

GENERAL LAWS
OF THE
STATE OF IDAHO



PASSED AND PUBLISHED BY
THE FIRST REGULAR SESSION OF THE
SIXTY-SIXTH IDAHO LEGISLATURE

Convened January 11, 2021
Adjourned November 17, 2021

Volume 2

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

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

CHAPTER 227
(S.B. No. 1181)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF INDEPENDENT COUNCILS, INDIRECT SUPPORT SERVICES, AND LICENSING AND CERTIFICATION FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; REQUIRING MEDICAID TRACKING REPORTS; 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, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. INDEPENDENT COUNCILS:				
A. DEVELOPMENTAL DISABILITIES COUNCIL:				
FROM:				
Cooperative Welfare (General)				
Fund	\$174,300	\$17,400		\$191,700
Cooperative Welfare (Dedicated)				
Fund		15,000		15,000
Cooperative Welfare (Federal)				
Fund	<u>363,000</u>	<u>275,900</u>	<u>\$31,600</u>	<u>670,500</u>
TOTAL	\$537,300	\$308,300	\$31,600	\$877,200
B. DOMESTIC VIOLENCE COUNCIL:				
FROM:				
Cooperative Welfare (General)				
Fund	\$14,400	\$2,100		\$16,500
Domestic Violence Project				
Fund	198,500	164,600	\$171,800	534,900
Cooperative Welfare (Dedicated)				
Fund		20,000		20,000
Cooperative Welfare (Federal)				
Fund	<u>349,200</u>	<u>271,200</u>	<u>12,515,400</u>	<u>13,135,800</u>
TOTAL	\$562,100	\$457,900	\$12,687,200	\$13,707,200
DIVISION TOTAL	\$1,099,400	\$766,200	\$12,718,800	\$14,584,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. INDIRECT SUPPORT SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$11,682,700	\$8,012,500		\$19,695,200
Cooperative Welfare (Dedicated)				
Fund	1,878,800	1,502,100		3,380,900
Cooperative Welfare (Federal)				
Fund	<u>15,158,300</u>	<u>9,525,300</u>		<u>24,683,600</u>
TOTAL	\$28,719,800	\$19,039,900		\$47,759,700
III. LICENSING AND CERTIFICATION:				
FROM:				
Cooperative Welfare (General)				
Fund	\$1,823,300	\$251,600		\$2,074,900
Cooperative Welfare (Dedicated)				
Fund	854,500	12,200		866,700
Cooperative Welfare (Federal)				
Fund	<u>4,172,000</u>	<u>639,600</u>		<u>4,811,600</u>
TOTAL	\$6,849,800	\$903,400		\$7,753,200
GRAND TOTAL	\$36,669,000	\$20,709,500	\$12,718,800	\$70,097,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the following number of full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, 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	6.00
Indirect Support Services	288.60
Licensing and Certification	71.90

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the Office of 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 2022.

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 Division of Medicaid and Division of 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. 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. 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, 2021, and the second report shall be submitted no later than June 30, 2022.

Approved April 14, 2021

CHAPTER 228
(S.B. No. 1188)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE WATER POLLUTION CONTROL FUND TO THE ENVIRONMENTAL REMEDIATION TRIUMPH MINE FUND; PROVIDING REPORTING REQUIREMENTS; PROVIDING REQUIREMENTS FOR THE WATER POLLUTION CONTROL FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY GENERAL FUND TO THE AGRICULTURAL BEST MANAGEMENT PRACTICES FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE AGRICULTURAL BEST MANAGEMENT PRACTICES FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER POLLUTION CONTROL FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY GENERAL FUND TO THE AGRICULTURAL BEST MANAGEMENT PRACTICES FUND; 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 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, 2021, through June 30, 2022:

	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	\$2,565,700	\$249,500	\$2,300,000		\$5,115,200
Air Quality Permitting					
Fund	224,900	128,300			353,200
Public Water System Supervision					
Fund	280,100	98,000			378,100
Environmental Remediation (Box)					
Fund	10,200				10,200
Environmental Remediation (Basin)					
Fund	14,300	26,300			40,600
Environmental Remediation (Triumph Mine)					
Fund	30,400				30,400
Department of Environmental Quality (Receipts)					
Fund	250,900	153,700			404,600
Idaho Underground Storage Tank Program					
Fund	56,700	29,200			85,900
IPDES Program					
Fund	195,000	92,700			287,700
Bunker Hill Trust					
Fund	26,700	12,400			39,100
Department of Environmental Quality (Federal)					
Fund	<u>1,495,400</u>	<u>1,961,500</u>	<u>0</u>		<u>3,456,900</u>
TOTAL	\$5,150,300	\$2,751,600	\$2,300,000		\$10,201,900
II. AIR QUALITY:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$3,851,500	\$210,600			\$4,062,100
Air Quality Permitting					
Fund	1,333,200	59,700		\$63,000	1,455,900
Department of Environmental Quality (Receipts)					
Fund	380,200	693,000			1,073,200
Department of Environmental Quality (Federal)					
Fund	<u>1,368,600</u>	<u>1,971,200</u>		<u>1,241,400</u>	<u>4,581,200</u>
TOTAL	\$6,933,500	\$2,934,500		\$1,304,400	\$11,172,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. WATER QUALITY:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$7,724,300	\$1,484,200		\$967,500	\$10,176,000
Public Water System Supervision					
Fund	1,257,500	499,700			1,757,200
Water Pollution Control					
Fund				2,000,000	2,000,000
Department of Environmental Quality (Receipts)					
Fund	610,000	1,003,500		2,521,600	4,135,100
IPDES Program					
Fund	796,100	49,400			845,500
Department of Environmental Quality (Federal)					
Fund	<u>5,154,200</u>	<u>1,440,000</u>		<u>2,333,200</u>	<u>8,927,400</u>
TOTAL	\$15,542,100	\$4,476,800		\$7,822,300	\$27,841,200
IV. COEUR D'ALENE BASIN COMMISSION:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$137,500	\$10,200			\$147,700
Environmental Remediation (Basin)					
Fund	69,800	15,500			85,300
Department of Environmental Quality (Federal)					
Fund	<u>16,000</u>	<u>0</u>		<u>\$50,000</u>	<u>66,000</u>
TOTAL	\$223,300	\$25,700		\$50,000	\$299,000
V. WASTE MANAGEMENT AND REMEDIATION:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$2,547,600	\$102,700		\$134,600	\$2,784,900
Environmental Remediation (Box)					
Fund	266,000	76,600		150,500	493,100
Environmental Remediation (Basin)					
Fund	377,800	615,000		200,000	1,192,800
Environmental Remediation (Triumph Mine)					
Fund	98,000	1,412,200			1,510,200
Department of Environmental Quality (Receipts)					
Fund	779,900	127,100		51,800	958,800
Idaho Underground Storage Tank Program					
Fund	247,900	25,000			272,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Bunker Hill Trust					
Fund	106,400	2,957,000		300,000	3,363,400
Department of Environmental Quality (Federal)					
Fund	<u>2,803,300</u>	<u>3,630,500</u>		<u>3,015,500</u>	<u>9,449,300</u>
TOTAL	\$7,226,900	\$8,946,100		\$3,852,400	\$20,025,400
VI. IDAHO NATIONAL LABORATORY OVERSIGHT:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$93,900	\$8,700			\$102,600
Department of Environmental Quality (Federal)					
Fund	<u>1,047,600</u>	<u>918,800</u>		<u>\$146,900</u>	<u>2,113,300</u>
TOTAL	\$1,141,500	\$927,500		\$146,900	\$2,215,900
GRAND TOTAL	\$36,217,600	\$20,062,200	\$2,300,000	\$13,176,000	\$71,755,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Environmental Quality is authorized no more than three hundred seventy-nine (379.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, 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 TRIUMPH MINE. There is hereby appropriated to the Department of Environmental Quality and the Office of the State Controller shall transfer \$1,500,000 from the Water Pollution Control Fund to the Environmental Remediation (Triumph Mine) Fund on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022, 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. CASH TRANSFER FOR AGRICULTURAL BEST MANAGEMENT PRACTICES FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY GENERAL FUND. Of the amount appropriated in Section 1 of this act, there is hereby appropriated and the Office of the State Controller shall transfer \$279,000 from the Department of Environmental Quality (General) Fund to the Agricultural Best Management Practices (BMP) Fund on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 7. CASH TRANSFER FOR AGRICULTURAL BEST MANAGEMENT PRACTICES FROM THE GENERAL FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$1,000,000 from the General Fund to the Agricultural Best Management Practices (BMP) Fund on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 8. CASH TRANSFER TO THE WATER POLLUTION CONTROL FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$8,181,700 from the General Fund to the Water Pollution Control Fund on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 9. CASH TRANSFER FOR AGRICULTURAL BEST MANAGEMENT PRACTICES FOR FISCAL YEAR 2021. There is hereby appropriated and the Office of the State Controller shall transfer \$284,700 from the Department of Environmental Quality (General) Fund to the Agricultural Best Management Practices (BMP) Fund as soon as practicable for the period July 1, 2020, through June 30, 2021.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, Section 9 of this act shall be in full force and effect on and after passage and approval.

Approved April 14, 2021

CHAPTER 229
(S.B. No. 1189)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2022; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of Drug Policy the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$280,400	\$58,700		\$339,100
Miscellaneous Revenue				
Fund		24,500		24,500
Federal Grant				
Fund	<u>279,900</u>	<u>970,000</u>	<u>\$3,209,800</u>	<u>4,459,700</u>
TOTAL	\$560,300	\$1,053,200	\$3,209,800	\$4,823,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Drug Policy is authorized no more than six (6.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 14, 2021

CHAPTER 230
(S.B. No. 1190)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2022; 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; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT, AND IMPLEMENTATION FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT ACCOUNT; PROVIDING REQUIREMENTS FOR WATER QUALITY MONITORING; AND PROVIDING REQUIREMENTS FOR RIRIE RESERVOIR FLOOD CONTROL RULES.

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, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:					
FROM:					
General					
Fund	\$808,700	\$828,000			\$1,636,700
Indirect Cost Recovery					
Fund	305,700	191,000			496,700
Water Administration					
Fund		22,100			22,100
Miscellaneous Revenue					
Fund	<u>0</u>	<u>169,000</u>			<u>169,000</u>
TOTAL	\$1,114,400	\$1,210,100			\$2,324,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. PLANNING AND TECHNICAL SERVICES:					
FROM:					
General					
Fund	\$2,950,700	\$640,800	\$6,500	\$6,908,500	\$10,506,500
Indirect Cost Recovery					
Fund		70,100			70,100
Aquifer Planning and Management					
Fund	1,020,900	453,800			1,474,700
Miscellaneous Revenue					
Fund		164,500			164,500
Federal Grant					
Fund	<u>305,400</u>	<u>832,700</u>	<u>0</u>	<u>0</u>	<u>1,138,100</u>
TOTAL	\$4,277,000	\$2,161,900	\$6,500	\$6,908,500	\$13,353,900
III. WATER MANAGEMENT:					
FROM:					
General					
Fund	\$5,356,400	\$2,148,600			\$7,505,000
Indirect Cost Recovery					
Fund		72,900			72,900
Water Administration					
Fund	1,386,100	233,000			1,619,100
Miscellaneous Revenue					
Fund	920,700	307,200			1,227,900
Federal Grant					
Fund	<u>257,100</u>	<u>341,900</u>			<u>599,000</u>
TOTAL	\$7,920,300	\$3,103,600			\$11,023,900
IV. NORTHERN IDAHO ADJUDICATION:					
FROM:					
General					
Fund	\$367,100	\$195,700			\$562,800
Northern Idaho Adjudication					
Fund	<u>0</u>	<u>38,000</u>			<u>38,000</u>
TOTAL	\$367,100	\$233,700			\$600,800
V. BEAR RIVER BASIN ADJUDICATION:					
FROM:					
General					
Fund	\$202,200	\$57,200	\$94,400		\$353,800
GRAND TOTAL					
	\$13,881,000	\$6,766,500	\$100,900	\$6,908,500	\$27,656,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred fifty-four (154.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CASH TRANSFER FOR AQUIFER MONITORING. There is hereby appropriated to the Department of Water Resources and the Office of the State Controller shall transfer \$716,000 from the Revolving Development Fund to the Aquifer Planning and Management Fund on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022, 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, the Office of the State Controller shall transfer \$5,000,000 to the Secondary Aquifer Planning, Management, and Implementation Fund on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022, to be used for aquifer recharge and management.

SECTION 5. CASH TRANSFER FOR THE FLOOD MANAGEMENT PROGRAM. There is hereby appropriated and the Office of the State Controller shall transfer \$1,000,000 from the General Fund to the Water Management Account created pursuant to Section 42-1760, Idaho Code, on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022, for water quality data collection, monitoring, modeling, flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or flood prevention projects. Of these moneys, up to \$800,000 shall be administered by the Idaho Water Resource Board through a competitive, matching grant process for flood control projects. The Department of Water Resources shall support this competitive grant process using existing personnel and resources.

SECTION 6. WATER QUALITY MONITORING. Of the moneys appropriated and transferred in Section 5 of this act for water quality data collection, up to \$200,000 shall be used for monitoring, data collection, modeling, literature review, economic analysis, and other forms of data gathering and analysis in the upper Snake/Rock Creek subbasin (HUC 17040212, as provided in IDAPA 58.01.02.109.02) in support of the nutrient total maximum daily loads (TMDL) objectives. This process shall be coordinated with the Department of Environmental Quality and the United States Geological Survey.

SECTION 7. USE OF FUNDS FOR RIRIE RESERVOIR FLOOD CONTROL RULES. Notwithstanding the provisions of Section 1, Chapter 41, Laws of 2014, and any other provision of law to the contrary, \$4,201,000 from the Revolving Development Fund, or so much thereof as is necessary, shall be used for analysis of the Ririe Reservoir flood control rule curves or any other investigations that would expand water storage.

Approved April 14, 2021

CHAPTER 231
(S.B. No. 1191)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2022; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court the following amounts to be expended according to the designated programs for personnel costs from the General Fund for the period July 1, 2021, through June 30, 2022, for the purpose of judicial salaries:

FOR:

Supreme Court	\$21,400
Court of Appeals	17,200
District Courts	205,800
Magistrate Division	<u>311,100</u>
TOTAL	\$555,500

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2022, 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, 2021, through June 30, 2022. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 14, 2021

CHAPTER 232
(S.B. No. 1187)

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 2022; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT; AND REQUIRING OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT REPORTING.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for Special Programs the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. FOREST UTILIZATION RESEARCH:				
FROM:				
General				
Fund	\$1,285,100	\$162,600		\$1,447,700
II. GEOLOGICAL SURVEY:				
FROM:				
General				
Fund	\$1,117,600	\$10,700		\$1,128,300
III. SCHOLARSHIPS AND GRANTS:				
FROM:				
General				
Fund	\$70,700		\$22,163,300	\$22,234,000
Miscellaneous Revenue				
Fund			1,000,000	1,000,000
Federal Grant				
Fund	<u>20,200</u>	<u>\$1,000</u>	<u>4,504,600</u>	<u>4,525,800</u>
TOTAL	\$90,900	\$1,000	\$27,667,900	\$27,759,800
IV. MUSEUM OF NATURAL HISTORY:				
FROM:				
General				
Fund	\$633,000	\$4,200		\$637,200
V. SMALL BUSINESS DEVELOPMENT CENTERS:				
FROM:				
General				
Fund	\$698,000			\$698,000
Federal COVID-19 Relief				
Fund	<u>0</u>	<u>\$525,000</u>		<u>525,000</u>
TOTAL	\$698,000	\$525,000		\$1,223,000
VI. TECHHELP:				
FROM:				
General				
Fund	\$364,000	\$7,500		\$371,500
Federal COVID-19 Relief				
Fund	<u>0</u>	<u>300,000</u>		<u>300,000</u>
TOTAL	\$364,000	\$307,500		\$671,500
GRAND TOTAL	\$4,188,600	\$1,011,000	\$27,667,900	\$32,867,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the State Board of Education and the Board of Regents of the University of Idaho 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, 2021, through June 30, 2022, 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 Scholarships and Grants Program for fiscal year 2021 that are unexpended and unencumbered on June 30, 2021, are hereby appropriated and shall be transferred by the Office of the State Controller to the Opportunity Scholarship Program Account created in Section 33-4303, Idaho Code.

SECTION 4. OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT REPORTING. The State Board of Education shall report to the Joint Finance-Appropriations Committee by January 10, 2022, 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 2023. The report shall include an estimate of the necessary balance in the account to meet these obligations.

Approved April 16, 2021

CHAPTER 233
(H.B. No. 232)

AN ACT

RELATING TO ALCOHOL; AMENDING SECTION 23-1002, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ALCOHOLIC CONTENT OF BEER; AMENDING SECTION 23-1008, IDAHO CODE, TO PROVIDE FOR A CERTAIN TAX, TO PROVIDE FOR REVENUE DISTRIBUTION, AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 23-1319, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF CERTAIN REVENUE TO THE IDAHO GRAPE GROWERS AND WINE PRODUCERS ACCOUNT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 23-1002, Idaho Code, be, and the same is hereby amended to read as follows:

23-1002. ALCOHOLIC CONTENT. ~~(1)~~ Beer containing not more than ~~six~~ sixteen percent (16%) of alcohol by ~~weight~~ volume may be manufactured, imported, and/or sold and distributed in and into this state or possessed therein in the manner and under the conditions prescribed in this act and not otherwise.

~~(2) Beer containing more than four percent (4%) of alcohol by weight shall be considered and taxed as wine.~~

SECTION 2. That Section 23-1008, Idaho Code, be, and the same is hereby amended to read as follows:

23-1008. TAX -- DISTRIBUTION -- RULES -- REPORTS. (1) A tax of four dollars and sixty-five cents (\$4.65) per barrel of thirty-one (31) gallons, and a like rate for any other quantity or fraction thereof, is hereby levied and imposed upon on each and every barrel of beer containing not more than five percent (5%) of alcohol by volume sold for use within the state of Idaho. A tax of thirteen dollars and ninety-five cents (\$13.95) per barrel of thirty-one (31) gallons, and a like rate for any other quantity or fraction thereof, is hereby levied and imposed on each and every barrel of beer containing more than five percent (5%) of alcohol by volume.

Any wholesaler who shall sell beer, upon which the tax herein imposed has not been paid, and any person who shall purchase, receive, transport, store or sell any beer upon which the tax herein imposed has not been paid, shall be guilty of a misdemeanor, and any beer so purchased, received, transported, stored or possessed or sold shall be subject to seizure by the commission, any inspector or investigator of the commission, or by any sheriff, constable or other police officer, and the same may be removed and kept for evidence. Upon conviction of any person for violation of the provisions of this section, the said beer, and all barrels, kegs, cases, cartons and cans containing the same, shall be forfeited to the state of Idaho, and, in addition, the person so convicted shall be subject to the other penalties in this chapter prescribed.

Beer and all barrels, kegs, cases, cartons or cans so forfeited to the state of Idaho shall be sold by the commission at public auction to any brewer, wholesaler, or retailer, licensed under the provisions of this chapter, making the highest bid. Such sale shall be held at such place and time as may be designated by the commission after reasonable notice thereof given in such manner and for such time as the commission may by rule prescribe. From the purchase price received upon such sale, the commission shall first deduct an amount sufficient to pay the tax due on such beer, and to pay all costs incurred in connection with such sale. The commission shall deposit the balance remaining with the state treasurer, who shall place the same in the general fund of the state of Idaho, and it shall become a part thereof.

(2) The revenues received from the taxes, interest, penalties, or deficiency payments imposed by this section shall be distributed as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by law to be paid by the state tax commission shall be paid through the state refund account and those moneys are continuously appropriated.

(b) For revenue deriving from beer containing not more than five percent (5%) of alcohol by volume, tThe balance remaining after distributing the amount in paragraph (a) of this subsection shall be distributed as follows:

(i) Twenty percent (20%) shall be distributed to the substance abuse treatment fund, which is created in section 23-408, Idaho Code;

(ii) Thirty-three percent (33%) shall be distributed to the permanent building fund; and

(iii) The remainder shall be distributed to the general fund.

(c) For revenue deriving from beer containing more than five percent (5%) of alcohol by volume, the balance remaining after distributing the amount in paragraph (a) of this subsection shall be distributed as follows:

(i) Twelve percent (12%) shall be distributed to the substance abuse treatment fund created in section 23-408, Idaho Code;

(ii) In fiscal year 2022 only, one and one-half percent (1.5%) shall be distributed to the Idaho hop grower's commission fund created in section 22-3112, Idaho Code, and three and one-half percent (3.5%) shall be distributed to the Idaho grape growers and wine producers account created in section 54-3607, Idaho Code. In fiscal year 2023 only, three and one-half percent (3.5%) shall be distributed to the Idaho hop grower's commission fund, and one and one-half percent (1.5%) shall be distributed to the Idaho grape growers and wine producers account. In fiscal year 2024 and each fiscal year thereafter, five percent (5%) shall be distributed to the Idaho hop grower's commission fund; and
(iii) The remainder shall be distributed to the general fund.

(3) The commission is empowered to prescribe rules:

(a) For reports by carriers for hire and also all other carriers owned and/or employed, directly or indirectly, by out-of-state brewers, dealers or other persons, of all deliveries of beer in and into the state of Idaho, stating especially the origin and destination of the beer, the quantity thereof, and also the names and addresses, respectively, of the consignors and consignees.

(b) For reports by out-of-state brewers and manufacturers of beer, of all shipments by them of beer into the state of Idaho, stating especially the matters mentioned in paragraph (a) of this subsection.

SECTION 3. That Section 23-1319, Idaho Code, be, and the same is hereby amended to read as follows:

23-1319. EXCISE TAX -- SALES INCLUDED -- REFUND FOR EXPORT SALES -- REFUND FOR BREAKAGE OR SPOILAGE -- DISTRIBUTION OF REVENUE. Upon all wines sold by a distributor or winery to a retailer or consumer and upon all wines sold and shipped directly to Idaho state residents by an out-of-state wine manufacturer holding a wine direct shipper permit under section 23-1309A, Idaho Code, for use within the state of Idaho pursuant to this chapter, there is hereby imposed an excise tax of forty-five cents (45¢) per gallon. Sales of wine by a distributor or winery for the purpose of and resulting in export of wine from this state for resale outside this state shall be exempt from the taxes on wine imposed by this chapter.

(a) Every sale of wine by a distributor to a retailer shall constitute a sale of wine for resale or consumption in this state, whether the sale is made within or without this state, and the distributor shall be liable for the payment of taxes. In every sale of wine by a winery through any of its licensed retail outlets, the winery shall be liable for payment of taxes imposed by this section.

(b) When wine has been destroyed by breakage or has spoiled or otherwise become unfit for beverage purposes prior to payment of taxes on it, the distributor, upon satisfactory proof of destruction or spoilage, shall be entitled to deduct from existing inventories, subject to tax, the amount of wine so destroyed or spoiled.

(c) If the state tax commission determines that any amount due under this chapter has been paid more than once or has been erroneously or illegally collected or computed, the commission shall set forth that fact in its records, and the excess amount paid or collected may be credited on any amount then due and payable to the commission from that person and any balance refunded to the person by whom it was paid or to his successors, administrators, or executors. The commission is authorized and the state board of tax appeals is authorized to order the commission in proper cases to credit or refund such amounts whether or not the payments have been made under protest and certify the refund to the state board of examiners.

(d) No credit or refund shall be allowed or made after three (3) years from the time the payment was made, unless before the expiration of that period a claim is filed by the taxpayer. The three (3) year period allowed by this subsection for making refunds or credit claims shall not apply in cases where the state tax commission asserts a deficiency of tax imposed by law, and taxpayers desiring to appeal or otherwise seek a refund of amounts paid in obedience to deficiencies must do so within the time limits elsewhere prescribed by law.

(e) All revenue received pursuant to this chapter shall be distributed as follows:

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims as authorized in subsection (c) of this section and those moneys are continuously appropriated.

(2) The balance remaining after distributing the amount in paragraph

(1) of this subsection shall be distributed as follows:

(i) Twelve percent (12%) shall be distributed to the substance abuse treatment fund, which is created in section 23-408, Idaho Code;

(ii) Five percent (5%), based on the sale of out-of-state wine, shall be distributed to the Idaho grape growers and wine producers ~~commission~~ account; and

(iii) Up to eighty-eight percent (88%), based on the sale of Idaho wine, shall be distributed to the Idaho grape growers and wine producers account as follows:

1. In fiscal year 2022, twenty-six percent (26%) based on the sale of Idaho wine;

2. In fiscal year 2023, sixty-two percent (62%) based on the sale of Idaho wine; and

3. In fiscal year 2024 and thereafter, eighty-eight percent (88%) based on the sale of Idaho wine.

(iv) The remainder shall be distributed to the general account fund.

(f) Any person who is not a distributor or winery but who makes, whether as principal, agent, or broker, any sales of wine not otherwise taxed under this section and not exempt from such tax, shall be liable for payment of taxes imposed by this section. This subsection shall not impose tax on wine sold pursuant to section 23-1336, Idaho Code.

Approved April 13, 2021

CHAPTER 234
(H.B. No. 160)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-1004B, IDAHO CODE, TO REMOVE PROVISIONS REGARDING CERTAIN CHARGES; REPEALING SECTION 7, CHAPTER 180, LAWS OF 2019, RELATING TO THE SUNSET PROVISION FOR SPECIAL ROUTE DESIGNATIONS AND PERMITS BY LOCAL AUTHORITIES; REPEALING SECTION 8, CHAPTER 180, LAWS OF 2019, RELATING TO NEW SPECIAL ROUTE DESIGNATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-1004B, Idaho Code, be, and the same is hereby amended 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~~ ten thousand dollars (~~\$510,000~~) per route 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 2. That Section 7, Chapter 180, Laws of 2019, be, and the same is hereby repealed.

SECTION 3. That Section 8, Chapter 180, Laws of 2019, be, and the same is hereby repealed.

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

Approved April 15, 2021

CHAPTER 235
(H.B. No. 162)

AN ACT

RELATING TO HIGHWAYS AND BRIDGES; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-513H, IDAHO CODE, TO DESIGNATE A PORTION OF STATE HIGHWAY 6 NEAR POTLATCH AS THE "BOBBY CHAMBERS MEMORIAL HIGHWAY."

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

SECTION 1. That Chapter 5, 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 40-513H, Idaho Code, and to read as follows:

40-513H. DESIGNATION OF THE BOBBY CHAMBERS MEMORIAL HIGHWAY. The portion of state highway 6 located near Potlatch, Idaho, beginning at the intersection of United States Highway 95 and ending at the western city limits of the city of Potlatch, is to be known as the "Bobby Chambers Memorial Highway" to honor Robert "Bobby" Chambers, a Vietnam war hero from Potlatch who earned the silver star and purple heart for his actions on the same day that he lost his life in service of his country at age nineteen (19). The Idaho transportation department may place and maintain suitable signs at each end of the designated memorial highway. Provided, the department shall not place such signs or markers where other current special designations exist. The Idaho transportation department will determine the location of any signs in the road right-of-way based on safety considerations. The Idaho transportation department may work with family members and local organizations for the design of any signs and may accept moneys from various groups to create, install, and maintain the signs provided for in this section.

Approved April 15, 2021

CHAPTER 236
(H.B. No. 241)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 18-8002, IDAHO CODE, TO REVISE A PROVISION REGARDING THE INSTALLATION OF AN IGNITION INTERLOCK DEVICE, TO PROVIDE FOR A PETITION FOR RELIEF IN CERTAIN INSTANCES, AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 18-8002A, IDAHO CODE, TO REVISE PROVISIONS REGARDING JUDICIAL REVIEW AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 18-8002, Idaho Code, be, and the same is hereby amended to read as follows:

18-8002. TESTS OF DRIVER FOR ALCOHOL CONCENTRATION, PRESENCE OF DRUGS OR OTHER INTOXICATING SUBSTANCES -- PENALTY AND SUSPENSION UPON REFUSAL OF TESTS. (1) Any person who drives or is in actual physical control of a motor vehicle in this state shall be deemed to have given his consent to evidentiary testing for concentration of alcohol as defined in section 18-8004, Idaho Code, and to have given his consent to evidentiary testing for the presence of drugs or other intoxicating substances, provided that such testing is administered at the request of a peace officer having reasonable

grounds to believe that person has been driving or was in actual physical control of a motor vehicle in violation of the provisions of section 18-8004 or 18-8006, Idaho Code.

(2) Such person shall not have the right to consult with an attorney before submitting to such evidentiary testing.

(3) At the time 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 he refuses to submit to or if he fails to complete evidentiary testing:

(a) He is subject to a civil penalty of two hundred fifty dollars (\$250) for refusing to take the test;

(b) He is subject to mandatory installation of a state-approved ignition interlock system, at his expense, on all of the motor vehicles operated by him for a period to end one (1) year following the end of the suspension period;

(c) He has the right to request a hearing within seven (7) days to show cause why he refused to submit to, or complete evidentiary testing;

(d) If he does not request a hearing or does not prevail at the hearing, the court shall sustain the civil penalty and shall order the required installation of a state-approved ignition interlock system on all motor vehicles operated by him and his driver's license will be suspended absolutely for one (1) year if this is his first refusal and two (2) years if this is his second refusal within ten (10) years;

(e) Provided however, if he is admitted to a problem solving court program and has served at least forty-five (45) days of an absolute suspension of driving privileges, then he 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 a state-approved ignition interlock system has been installed, at his expense, on all motor vehicles operated by him; and

(f) After submitting to evidentiary testing, he may, when practicable, at his own expense, have additional tests made by a person of his own choosing.

(4) If the motorist refuses to submit to or complete evidentiary testing after the information has been given in accordance with subsection (3) of this section:

(a) He shall be fined a civil penalty of two hundred fifty dollars (\$250);

(b) The court shall direct the installation, at his expense, of a state-approved ignition interlock system meeting the requirements set forth in section 18-8008, Idaho Code, on all motor vehicles operated by him for a period of one (1) year following the end of the suspension period;

(c) A written request may be made within seven (7) calendar days for a hearing before the court; if requested, the hearing must be held within thirty (30) days of the date of service unless this period is, for good cause shown, extended by the court for one (1) additional thirty (30) day period. The hearing shall be limited to the question of why the defendant did not submit to, or complete, evidentiary testing, and the burden of proof shall be upon the defendant; the court shall sustain a two hundred fifty dollar (\$250) civil penalty immediately, suspend all the defendant's driving privileges immediately for one (1) year for a first refusal and two (2) years for a second refusal within ten (10) years and direct the installation, at his expense, of a state-approved ignition interlock system meeting the requirements set forth in section 18-8008, Idaho Code, on all motor vehicles operated by him for a period to end one (1) year following the end of the suspension period, unless it finds that the peace officer did not have legal cause to stop and request him to take the test or that the request violated his civil rights;

(d) If a hearing is not requested by written notice to the court concerned within seven (7) calendar days, upon receipt of a sworn statement by the peace officer of the circumstances of the refusal, the court shall sustain a two hundred fifty dollar (\$250) civil penalty, suspend the defendant's driving privileges for one (1) year for a first refusal and two (2) years for a second refusal within ten (10) years, during which time he shall have absolutely no driving privileges of any kind, and direct the installation of a state-approved ignition interlock system, at his expense, meeting the requirements set forth in section 18-8008, Idaho Code, on all motor vehicles operated by him for a period to end one (1) year following the end of the suspension period;

(e) Notwithstanding the provisions of paragraphs (c) and (d) of this subsection, if the defendant 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, then the defendant 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 defendant has served a period of absolute suspension of driving privileges of at least forty-five (45) days, that a state-approved ignition interlock system meeting the requirements set forth in section 18-8008, Idaho Code, 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 defendant 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 and the requirement of a state-approved ignition interlock system may be continued if the defendant 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; and

(f) After submitting to evidentiary testing at the request of the peace officer, he may, when practicable, at his own expense, have additional tests made by a person of his own choosing. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission of results of evidentiary testing for alcohol concentration or for the presence of drugs or other intoxicating substances taken at the direction of the peace officer unless the additional test was denied by the peace officer.

(5) Any sustained sanction under this section or section 18-8002A, Idaho Code, shall be a sanction separate and apart from any other sanction imposed for a violation of other Idaho motor vehicle codes or for a conviction of an offense pursuant to this chapter and may be appealed to the district court.

(6) No hospital, hospital officer, agent, or employee, or health care professional licensed by the state of Idaho, whether or not such person has privileges to practice in the hospital in which a body fluid sample is obtained or an evidentiary test is made, shall incur any civil or criminal liability for any act arising out of administering an evidentiary test for alcohol concentration or for the presence of drugs or other intoxicating substances at the request or order of a peace officer in the manner described in this section and section 18-8002A, Idaho Code; provided that nothing in this section shall relieve any such person or legal entity from civil liability arising from the failure to exercise the community standard of care.

(a) This immunity extends to any person who assists any individual to withdraw a blood sample for evidentiary testing at the request or order of a peace officer, which individual is authorized to withdraw a blood sample under the provisions of section 18-8003, Idaho Code, regardless of the location where the blood sample is actually withdrawn.

(b) A peace officer is empowered to order an individual authorized in section 18-8003, Idaho Code, to withdraw a blood sample for evidentiary testing when the peace officer has probable cause to believe that the suspect has committed any of the following offenses:

(i) Aggravated driving under the influence of alcohol, drugs or other intoxicating substances as provided in section 18-8006, Idaho Code;

(ii) Vehicular manslaughter as provided in subsection (3) (a), (b) and (c) of section 18-4006, Idaho Code;

(iii) Aggravated operating of a vessel on the waters of the state while under the influence of alcohol, drugs or other intoxicating substances as provided in section 67-7035, Idaho Code; or

(iv) Any criminal homicide involving a vessel on the waters of the state while under the influence of alcohol, drugs or other intoxicating substances.

(c) Nothing herein shall limit the discretion of the hospital administration to designate the qualified hospital employee responsible to withdraw the blood sample.

(d) The law enforcement agency that requests or orders withdrawal of the blood sample shall pay the reasonable costs to withdraw such blood sample, perform laboratory analysis, preserve evidentiary test results, and testify in judicial proceedings. The court may order restitution pursuant to the provisions of section 18-8003(2), Idaho Code.

(e) The withdrawal of the blood sample may be delayed or terminated if:

(i) In the reasonable judgment of the hospital personnel, withdrawal of the blood sample may result in serious bodily injury to hospital personnel or other patients; or

(ii) The licensed health care professional treating the suspect believes the withdrawal of the blood sample is contraindicated because of the medical condition of the suspect or other patients.

(7) "Actual physical control" as used in this section and section 18-8002A, Idaho Code, shall be defined as being in the driver's position of the motor vehicle with the motor running or with the motor vehicle moving.

(8) Any written notice required by this section shall be effective upon mailing.

(9) For the purposes of this section and section 18-8002A, Idaho Code, "evidentiary testing" shall mean a procedure or test or series of procedures or tests, including the additional test authorized in subsection (10) of this section, utilized to determine the concentration of alcohol or the presence of drugs or other intoxicating substances in a person.

(10) A person who submits to a breath test for alcohol concentration, as defined in subsection (4) of section 18-8004, Idaho Code, may also be requested to submit to a second evidentiary test of blood or urine for the purpose of determining the presence of drugs or other intoxicating substances if the peace officer has reasonable cause to believe that a person was driving under the influence of any drug or intoxicating substance or the combined influence of alcohol and any drug or intoxicating substance. The peace officer shall state in his or her report the facts upon which that belief is based.

(11) Notwithstanding any other provision of law to the contrary, the civil penalty imposed under the provisions of this section must be paid, as ordered by the court, to the county justice fund or the county current expense fund where the incident occurred. If a person does not pay the civil penalty imposed as provided in this section within thirty (30) days of the imposition, unless this period has been extended by the court for good cause shown, the prosecuting attorney representing the political subdivision where the incident occurred may petition the court in the jurisdiction where the incident occurred to file the order imposing the civil penalty as an order of the court. Once entered, the order may be enforced in the same manner as a final judgment of the court. In addition to the civil penalty, attorney's fees, costs and interest may be assessed against any person who fails to pay the civil penalty.

(12) Upon ~~motion~~ petition of the person required to install an ignition interlock device pursuant to subsection (4)(b) of this section, section 18-8002A(4), 18-8005(1)(e), or 18-8008, Idaho Code, 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. If no civil or criminal case is pending related to the order to install the ignition interlock device, a person may file a petition for relief in magistrate court under this section in his county of residence, or, if such person has no county of residence in Idaho, in Ada county, if such petition is filed within thirty (30) days of the order requiring the installation of the interlock device. While any petition for judicial review in district court or motion or petition before a magistrate court is pending, the ignition interlock device requirement shall be stayed. The Idaho transportation department shall not be a party to any petition for interlock relief filed before a court. An order for relief from the installation of the ignition interlock device from any court shall apply to all statutory ignition interlock requirements.

(13) 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.

(14) As used in this section, "at his expense" includes the cost of obtaining, installing, using and maintaining an ignition interlock system.

SECTION 2. 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;

(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 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 officer⁷ 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~~ Any petition for relief from the installation of 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 shall be filed in accordance with the provisions of section 18-8010 18-8002(12), Idaho Code, for. An order for relief from the installation and operation of an ignition interlock device, based on evidence of financial hardship from any court shall apply to all statutory ignition interlock requirements.

(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.

CHAPTER 237
(H.B. No. 245)

AN ACT

RELATING TO CAMPAIGN FINANCE; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6610D, IDAHO CODE, TO PROHIBIT FOREIGN CONTRIBUTIONS, FOREIGN INDEPENDENT EXPENDITURES, AND FOREIGN ELECTIONEERING COMMUNICATIONS; AMENDING SECTION 67-6625, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROSECUTION FOR VIOLATIONS; AND AMENDING SECTION 67-6605, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. 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 67-6610D, Idaho Code, and to read as follows:

67-6610D. FOREIGN CONTRIBUTIONS, FOREIGN INDEPENDENT EXPENDITURES, AND FOREIGN ELECTIONEERING COMMUNICATIONS PROHIBITED. (1) A foreign national shall not make a contribution, directly or indirectly, to any candidate, political committee, or measure or make electioneering communications or independent expenditures.

(2) As used in this section, "foreign national" means:

- (a) An individual who is not a citizen of the United States and is not lawfully admitted for permanent residence;
- (b) A government or subdivision of a foreign country;
- (c) A foreign political party; or
- (d) Any entity, such as a partnership, association, corporation, organization, union, or other combination of persons, that is organized under the laws of or has its principal place of business in a foreign country.

(3) A violation of the provisions of this section shall be prosecuted and punished as provided in section 67-6625(2) through (5), Idaho Code. Provided, however, any person who knowingly and willfully violates the provisions of this section is guilty of a felony when:

- (a) The aggregate amount of contributions, independent expenditures, or cost of electioneering communications made in violation of this section exceeds one thousand dollars (\$1,000) in a consecutive twelve (12) month period; or
- (b) The person pleads guilty to or is found guilty of a knowing and willful violation of the provisions of this section for a second time within ten (10) years, notwithstanding the form of the judgment or withheld judgment.

(4) If any provision of this section or its application to any person or circumstance is held invalid, the remainder of the section or the application of the provision to other persons or circumstances is not affected.

SECTION 2. That Section 67-6625, Idaho Code, be, and the same is hereby amended to read as follows:

67-6625. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSECUTION -- LIMITATION -- VENUE. (1) Any person who violates the provisions of sections 67-6603, 67-6604, 67-6606 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(1), 67-6624, 67-6627 or 67-6628, Idaho Code, shall be liable for a civil fine not to exceed two hundred fifty dollars (\$250) if an individual, and not more than two thousand five hundred dollars (\$2,500) if a person other than an individual. The burden of proof for such civil liability shall be met by showing a preponderance of the evidence.

(2) Any person who violates section 67-6605 or 67-6621(2), Idaho Code, and any person who knowingly and willfully violates sections 67-6603 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(1), 67-6624, 67-6627 or 67-6628, Idaho Code, is guilty of a misdemeanor and, upon conviction, in addition to the fines set forth in subsection (1) of this section, may be imprisoned for not more than six (6) months or be both fined and imprisoned.

(3) The attorney general or the appropriate prosecuting attorney may prosecute any violations of this ~~aet~~ chapter.

(4) Prosecution for a civil or misdemeanor violation of this aet chapter must be commenced within two (2) years after the date on which the violation occurred. Prosecution for a felony violation of this chapter must be commenced pursuant to the provisions of section 19-402, Idaho Code.

(5) Venue for prosecution under the provisions of this chapter shall be in the county of residence of the defendant if the defendant is a resident of the state of Idaho, otherwise venue shall be in Ada county.

SECTION 3. That Section 67-6605, Idaho Code, be, and the same is hereby amended to read as follows:

67-6605. CONTRIBUTIONS OBTAINED BY A POLITICAL COMMITTEE. Contributions shall not be obtained for a political committee by use of coercion or physical force, by making a contribution a condition of employment or membership, or by using or threatening to use job discrimination or financial reprisals. A political committee may solicit or obtain contributions from individuals as provided in chapter 26, title 44, Idaho Code, or as provided in section 44-2004, Idaho Code. A violation of the provisions of this section shall be punished as provided in ~~subsection (b) of section 67-6625(2),~~ Idaho Code.

Approved April 15, 2021

CHAPTER 238
(H.B. No. 309)

AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-713, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 63-716, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INTEREST RATE ON PROPERTY TAX DEFERRALS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-717, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TOTAL REIMBURSEMENT AMOUNT PAYABLE TO COUNTIES AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-713, Idaho Code, be, and the same is hereby amended to read as follows:

63-713. DEFINITIONS. In addition to the definitions in section 63-701, Idaho Code, the following definitions apply to sections 63-712 through 63-721, Idaho Code.

(1) "Qualified claimant" means:

(a) An individual who is a claimant who applies for and properly receives property tax relief under the provisions of sections 63-701 through 63-710, Idaho Code; or

(b) An individual who meets the definition of "claimant" under section 63-701, Idaho Code, and is otherwise eligible to file a claim under sections 63-701 through 63-710, Idaho Code, except by reason of exceeding the income limitations of section 63-705, Idaho Code, may nevertheless be a qualified claimant, provided his household income does not exceed ~~forty~~ fifty thousand dollars (\$~~400,000~~ 450,000) for the tax year ~~2007~~ 2021, which amount shall be increased by the annual cost-of-living percentage modification as determined by the secretary of health and human services pursuant to 42 U.S.C. ~~section~~ 415(i) beginning in ~~2009~~ 2022.

(2) "Qualified property" means property owned by a qualified claimant, provided that the property is the "homestead," as defined in section 63-701, Idaho Code, of the qualified claimant, ~~is owned only by the qualified claimant and his or her spouse and is not subject to a trust or life estate or other ownership held by a person who is not the qualified claimant or his or her spouse.~~

(3) "Sufficient equity" means that:

(a) The property is not security for a reverse mortgage, a home equity loan or line of credit, or any similar loan or encumbrance; and

(b) The amount of all encumbrances of any nature on the property that are superior to any liens for deferral, plus the amount of property tax and interest previously deferred on the same property, does not exceed eighty percent (80%) of the current year's market value for assessment purposes.

SECTION 2. That Section 63-716, Idaho Code, be, and the same is hereby amended to read as follows:

63-716. DEFERRAL -- INTEREST -- LIEN -- PRIORITY. (1) Upon approval by the state tax commission, payment of any amount of property tax due for the year to which the election relates, after application of the property tax relief available under sections 63-701 through 63-710, Idaho Code, and subject to the limitation in section 63-717(2), Idaho Code, in regard to the qualified property subject to the election, shall be deferred until the deferral is terminated under section 63-718, Idaho Code.

(2) During the period of deferral, interest shall accrue on the amount deferred at the annual rate of ~~six percent (6%) annually~~ interest provided in section 63-3045, Idaho Code.

(3) The lien imposed by section 63-206, Idaho Code, shall continue to be a lien on the property in the amount of deferred taxes and interest thereon. The state tax commission shall file with the county recorder of the county in which the property is located a notice of lien for deferred property taxes. Notwithstanding the provisions of section 63-206, Idaho Code, the lien for deferred taxes and interest shall not be a first and prior lien, but shall take its priority from the date and time of filing of the notice of lien.

SECTION 3. That Section 63-717, Idaho Code, be, and the same is hereby amended to read as follows:

63-717. REIMBURSEMENT BY STATE TAX COMMISSION. (1) By no later than December 20 of each year, the state tax commission shall pay to the county tax collector of each county one-half (1/2) of the amount due each county as reimbursement for property taxes deferred as provided in sections 63-712 through 63-721, Idaho Code, as shown on the property tax reduction roll required under section 63-707, Idaho Code, as modified by actions of the state tax commission relating to claims approved or disapproved by the state tax commission, and shall pay the second one-half (1/2) of such amount by not later than June 20 of the following year. The payments may be combined with payments made under section 63-709, Idaho Code.

(2) The total amount of reimbursement payable to all counties under this section shall not exceed five ~~hundred thousand~~ million dollars (\$5,000,000) in regard to property taxes for one (1) calendar year. In the event that the amount of taxes approved for deferral exceeds five ~~hundred thousand~~ million dollars (\$5,000,000), the amount of taxes deferred for each qualifying property shall be reduced proportionately and the balance of property tax not deferred shall be entered on the property tax notice required by section 63-902, Idaho Code, and shall be payable as required by chapter 9, title 63, Idaho Code.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2021.

Approved April 15, 2021

CHAPTER 239
(H.B. No. 317)

AN ACT

RELATING TO INCOME TAXES; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3026B, IDAHO CODE, TO PROVIDE FOR THE TREATMENT OF STATE AND LOCAL TAXATION DEDUCTIONS FOR AFFECTED BUSINESS ENTITIES; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3026B, Idaho Code, and to read as follows:

63-3026B. AFFECTED BUSINESS ENTITIES -- STATE AND LOCAL TAXATION TREATMENT. (1) As used in this section:

- (a) "Affected business entity" means any partnership or S corporation that elects to be subject to tax pursuant to this section.
- (b) "Direct member" means a member that holds an interest directly in an affected business entity.
- (c) "Indirect member" means a member that itself holds an interest, through a direct or indirect member that is a partnership or S corporation, in an affected business entity.
- (d) "Member" means:
 - (i) A shareholder of an S corporation;
 - (ii) A partner in a general partnership, a limited partnership, or a limited liability partnership; or
 - (iii) A member of a limited liability company that is treated as a partnership or an S corporation for federal income tax purposes.
- (e) "Partnership" has the meaning provided in section 63-3006B, Idaho Code. "Partnership" includes a limited liability company that is treated as a partnership for federal income tax purposes as described in section 63-3006A, Idaho Code.
- (f) "S corporation" means a corporation or limited liability company that is treated as an S corporation for federal income tax purposes.
- (g) "Taxable year" means the taxable year of a partnership or an S corporation for federal income tax purposes.

(2) (a) A partnership or an S corporation may elect in the manner set forth in this section to become an affected business entity required to pay the tax under this section in any taxable year. A separate election must be made for each taxable year.

(b) An election under this section must be made on a form and in the manner as the state tax commission prescribes by rule or instruction.

(c) An election under this section may be made for any taxable year by filing the election with a timely filed original return for such taxable year.

(d) An election made under this section must be signed by:

(i) Each member of the electing entity who is a member at the time the election is filed; or

(ii) Any officer, manager, or member of the electing entity who is authorized under local law or by the entity's organizational documents to make the election and who represents under penalty of perjury that he has such authorization.

(3) Each affected business entity that is a partnership or an S corporation transacting business in this state shall, on or before April 15 following the close of each taxable year, pay a tax in an amount determined as follows:

(a) Add the separately and nonseparately computed items as described in section 702(a) of the Internal Revenue Code for a partnership, or as described in section 1366 of the Internal Revenue Code for an S corporation, to the extent derived from or connected with sources within this state, as determined under the provisions of sections 63-3026 and 63-3026A, Idaho Code;

(b) Increase or decrease the sum from paragraph (a) of this subsection according to the modifications permitted under this chapter that relate to an item of the affected business entity's income, gain, loss, or deduction, to the extent derived from or connected with sources within this state, as determined under the provisions of sections 63-3026 and 63-3026A, Idaho Code; and

(c) Multiply the result from paragraph (b) of this subsection by the tax rate applicable to corporations provided in section 63-3025, Idaho Code.

(4) If the amount calculated under subsection (3)(b) of this section results in a net loss, such net loss may be carried forward to succeeding taxable years for which the affected business entity elects to be subject to tax pursuant to this section until fully used.

(5) If an affected business entity is a direct or indirect member of another affected business entity, the member affected business entity shall, when calculating its net income or loss pursuant to subsection (3)(b) of this section, subtract its distributive share of income or add its distributive share of loss from the affected business entity in which it is a direct or indirect member to the extent that the income or loss was derived from or connected with sources within this state.

(6) A nonresident individual who is a member is not required to file an income tax return under section 63-3030, Idaho Code, for any taxable year in which the only source of income derived from or connected with sources within the state for such member, or the member and the member's spouse if a joint federal income tax return is or shall be filed, is from one (1) or more affected business entities and such affected business entity or entities file and pay the tax due under this section.

(7) Each partnership and S corporation shall report to each of its members, for each taxable year, such member's direct pro rata share of the tax imposed under this section on such partnership or S corporation if it is an affected business entity and its indirect pro rata share of the tax imposed on any affected business entity in which such affected business entity is a direct or indirect member.

(8) (a) Each individual who is a member and is subject to tax under section 63-3024, Idaho Code, is entitled to a credit against such tax. The credit will be in an amount equal to the individual's direct and indirect pro rata share of the tax paid under this section by any affected business entity of which the individual is a direct or indirect member. If the amount of the credit allowed pursuant to this paragraph exceeds the individual's tax liability for the tax imposed under this chapter, the individual will be paid a refund equal to the balance of the unused credit.

(b) Each individual who is a member and is subject to the tax under section 63-3024, Idaho Code, as a resident or a part-year resident of this state is entitled to a credit against such tax for the individual's direct and indirect pro rata share of taxes paid to another state of the United States or the District of Columbia, on income of any partnership or S corporation of which the individual is a member that is derived therefrom, provided the taxes paid to another state of the United States or the District of Columbia results from a tax that the state tax commission determines is substantially similar to the tax imposed under this section. Any such credit will be calculated in the manner prescribed by the state tax commission and shall be consistent with the provisions of section 63-3029, Idaho Code.

(9) Each corporation that is a member and is subject to the tax imposed under section 63-3025 or 63-3025A, Idaho Code, is entitled to a credit against such tax. The credit will be in an amount equal to the corporation's direct and indirect pro rata share of the tax paid under this section by any affected business entity of which the corporation is a member. Such credit will be applied after all other applicable credits have been applied. Any balance of the credit that is not used in the taxable year during which the corporation reports the net income from such affected business entities will be paid as a refund to the corporation.

(10) The penalty and interest provisions and the collection and enforcement procedures provided by sections 63-3038 through 63-3040, 63-3042 through 63-3065A, 63-3071, 63-3075, and 63-3078, Idaho Code, shall apply and be available to the state tax commission for enforcement of the provisions of this section and collection of any amounts due under this section. Said sections shall, for this purpose, be considered part of this section, and wherever liens or any other proceedings are defined as income tax liens or proceedings, they shall, when applied in enforcement or collection under this section, be described as affected business entity tax liens and proceedings.

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, 2021.

Approved April 15, 2021

CHAPTER 240
(H.B. No. 340)

AN ACT

RELATING TO THE APPROPRIATION TO THE LEGISLATIVE BRANCH FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE LEGISLATIVE BRANCH FOR THE LEGISLATIVE SERVICES OFFICE, OFFICE OF PERFORMANCE EVALUATIONS, AND REDISTRICTING COMMISSION FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY FOR THE PROFESSIONAL SERVICES FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE TECHNOLOGY INFRASTRUCTURE STABILIZATION FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE GENERAL FUND; AND EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Legislative Branch the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. LEGISLATIVE SERVICES OFFICE:				
FROM:				
General				
Fund	\$5,917,300	\$1,011,800	\$16,500	\$6,945,600
Miscellaneous Revenue				
Fund	130,900	124,000		254,900
Legislative Capitol Facilities				
Fund		440,000		440,000
Professional Services				
Fund	<u>1,478,200</u>	<u>105,900</u>	<u>7,700</u>	<u>1,591,800</u>
TOTAL	\$7,526,400	\$1,681,700	\$24,200	\$9,232,300
II. OFFICE OF PERFORMANCE EVALUATIONS:				
FROM:				
General				
Fund	\$910,100	\$67,600	\$6,100	\$983,800
III. REDISTRICTING COMMISSION:				
A. REDISTRICTING:				
FROM:				
General				
Fund	\$49,400	\$122,400		\$171,800
GRAND TOTAL	\$8,485,900	\$1,871,700	\$30,300	\$10,387,900

SECTION 2. REAPPROPRIATION AUTHORITY FOR THE PROFESSIONAL SERVICES FUND. There is hereby reappropriated to the Legislative Services Office any unexpended and unencumbered balances appropriated to the Legislative Services Office from the Professional Services Fund for fiscal year 2021, 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, 2021, through June 30, 2022. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 3. REAPPROPRIATION AUTHORITY FOR THE TECHNOLOGY INFRASTRUCTURE STABILIZATION FUND. There is hereby reappropriated to the Legislative Services Office any unexpended and unencumbered balances appropriated or reappropriated to the Legislative Services Office from the Technology Infrastructure Stabilization Fund for fiscal year 2021 to be used for nonrecurring expenditures for the period July 1, 2021, through June 30, 2022. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE GENERAL FUND. 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 2021 to be used for nonrecurring expenditures for the period July 1, 2021, through June 30, 2022. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. The Legislative Services Office, Office of Performance Evaluations, and Redistricting Commission are hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to them for the period July 1, 2021, through June 30, 2022. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 15, 2021

CHAPTER 241
(H.B. No. 341)

AN ACT

RELATING TO THE APPROPRIATION TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2022; 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, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. ADMINISTRATION - GOVERNOR'S OFFICE:			
FROM:			
General			
Fund	\$2,058,000	\$224,700	\$2,282,700
II. ACTING GOVERNOR PAY:			
FROM:			
General			
Fund	\$17,900		\$17,900
III. EXPENSE ALLOWANCE:			
FROM:			
General			
Fund		\$4,900	\$4,900
IV. GOVERNOR'S EMERGENCY:			
FROM:			
Governor's Emergency			
Fund		\$2,000,000	\$2,000,000
GRAND TOTAL	\$2,075,900	\$2,229,600	\$4,305,500

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, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. The Executive Office of the Governor is hereby exempted from the provisions of Section 67-3511(1), (2), and (3), Idaho Code, allowing unlimited transfers between object codes and between programs for all moneys appropriated to it for the period July 1, 2021, through June 30, 2022. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 15, 2021

CHAPTER 242
(H.B. No. 126)

AN ACT

RELATING TO INDUSTRIAL HEMP; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 22, IDAHO CODE, TO PROVIDE FOR THE INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR A STATE PLAN, TO AUTHORIZE THE PRODUCTION, PROCESSING, TRANSPORTATION AND RESEARCH OF INDUSTRIAL HEMP, TO PROVIDE FOR THE INDUSTRIAL HEMP ADMINISTRATION FUND, AND TO PROVIDE EXCEPTIONS; AMENDING SECTION 37-2701, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 37-2705, IDAHO CODE, TO PROVIDE AN EXCEPTION; AMENDING CHAPTER 29, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2921, IDAHO CODE, TO PROVIDE FOR THE TRANSPORTATION OF INDUSTRIAL HEMP; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 17, Title 22, Idaho Code, and to read as follows:

CHAPTER 17
INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT ACT

22-1701. SHORT TITLE. This act shall be known and may be cited as the "Industrial Hemp Research and Development Act."

22-1702. LEGISLATIVE INTENT. It is the policy of this state to:

(1) Assume primary regulatory authority of industrial hemp as allowed by federal law;

(2) Allow production, processing, transportation, and research of industrial hemp in Idaho; and

(3) Require the director to submit a state plan to the secretary of agriculture as expeditiously as possible and, by a date certain, to allow the production of industrial hemp.

22-1703. DEFINITIONS. For purposes of this chapter:

(1) "2018 farm bill" means the agriculture improvement act of 2018, P.L. 115-334.

(2) "Director" means the director of the Idaho state department of agriculture.

(3) "Hemp" or "industrial hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis, as defined in the 2018 farm bill.

(4) "Secretary of agriculture" means the United States secretary of agriculture.

22-1704. STATE PLAN. The director must prepare and submit a state plan as expeditiously as possible, but no later than September 1, 2021, to the secretary of agriculture in compliance with the 2018 farm bill and the rules promulgated thereunder. The state plan must be created in consultation with the governor, the director of the Idaho state police, and Idaho's agricultural industry and must allow for the production, processing, transportation, and research of industrial hemp in Idaho to the greatest extent allowed under federal law.

22-1705. PRODUCTION, PROCESSING, TRANSPORTATION, AND RESEARCH OF INDUSTRIAL HEMP AUTHORIZED. (1) Production, processing, transportation, and research of industrial hemp are subject to the rules promulgated under this chapter, the state plan, and the 2018 farm bill and the rules promulgated thereunder.

(2) The director must expeditiously promulgate rules that are compliant with the 2018 farm bill in time to allow for the production, processing, transportation, and research of industrial hemp in Idaho under the state plan beginning with the spring 2022 growing season of industrial hemp. Any rule formulated and recommended by the Idaho state department of agriculture regarding the production, processing, transportation, or research of industrial hemp that is broader in scope or more stringent than federal law or regulations as outlined in the 2018 farm bill or that proposes to regulate an activity not regulated by the federal government is subject to the following additional requirements: the notice of proposed rulemaking and rulemaking record requirements under chapter 52, title 67, Idaho Code, must clearly specify that the proposed rule, or portions of the proposed rule, are broader in scope or more stringent than federal law or regulations or regulate an activity not regulated by the federal government and delineate which portions of the proposed rule are broader in scope or more stringent than federal law or regulations or regulate an activity not regulated by the federal government.

(3) Once a state plan is accepted by the secretary of agriculture, the production, processing, transportation, and research of industrial hemp in Idaho will also be subject to the state plan.

(4) The department is authorized to promulgate rules establishing fees and penalties for violations associated with the provisions of this chapter.

(5) No penalty may be imposed against a person unless the person was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code. A person against whom the department has assessed a penalty under this chapter or the rules promulgated pursuant to this chapter may, within thirty (30) days of the final agency action making the assessment, appeal the assessment to the district court of the county in which the violation is alleged to have occurred.

(6) Notwithstanding any provision of this chapter:

- (a) Rules promulgated under this chapter must be adopted through the negotiated rulemaking process; and
- (b) The transportation of industrial hemp in interstate commerce may continue subject to the provisions of section 67-2921, Idaho Code.

22-1706. INDUSTRIAL HEMP ADMINISTRATION FUND. There is hereby established in the dedicated fund in the state treasury the industrial hemp administration fund to which will be credited the revenues derived from fees and civil penalties collected as authorized by this chapter and rules promulgated under this chapter, as well as section 67-2921, Idaho Code, and the rules promulgated under that section. Moneys in the fund must be used solely for carrying out the provisions of this chapter and the provisions of section 67-2921, Idaho Code.

22-1707. EXCEPTIONS. Industrial hemp is not subject to inspection or indemnification pursuant to chapter 51, title 22, Idaho Code, or chapters 2 and 5, title 69, Idaho Code.

SECTION 2. That Section 37-2701, Idaho Code, be, and the same is hereby amended to read as follows:

37-2701. DEFINITIONS. As used in this chapter:

(a) "Administer" means the direct application of a controlled substance whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

- (1) A practitioner or, in his presence, by his authorized agent; or
- (2) The patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Board" means the state board of pharmacy created in chapter 17, title 54, Idaho Code, or its successor agency.

(d) "Bureau" means the drug enforcement administration, United States department of justice, or its successor agency.

(e) "Controlled substance" means a drug, substance or immediate precursor in schedules I through VI of article II of this chapter.

(f) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(g) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one (1) person to another of a controlled substance, whether or not there is an agency relationship.

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

(i) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(j) "Dispenser" means a practitioner who dispenses.

(k) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(l) "Distributor" means a person who distributes.

(m) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances, other than food, intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(n) "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, but is not limited to:

(1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

(11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

(12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

- (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- (ii) Water pipes;
- (iii) Carburetion tubes and devices;
- (iv) Smoking and carburetion masks;
- (v) Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- (vi) Miniature cocaine spoons, and cocaine vials;
- (vii) Chamber pipes;
- (viii) Carburetor pipes;
- (ix) Electric pipes;
- (x) Air-driven pipes;
- (xi) Chillums;
- (xii) Bongs;
- (xiii) Ice pipes or chillers;

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
3. The proximity of the object, in time and space, to a direct violation of this chapter;
4. The proximity of the object to controlled substances;
5. The existence of any residue of controlled substances on the object;
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying the object which explain or depict its use;
9. National and local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
13. The existence and scope of legitimate uses for the object in the community;
14. Expert testimony concerning its use.

(o) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or under the jurisdiction of an agency of the United States.

(p) "Immediate precursor" means a substance which the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(q) "Isomer" means the optical isomer, except as used in section 37-2705(d), Idaho Code.

(r) "Law enforcement agency" means a governmental unit of one (1) or more persons employed full-time or part-time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

(s) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, and includes extraction, directly or indirectly, from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance:

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

(2) By a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for delivery.

(t) "Marijuana" or "marihuana" means all parts of the plant of the genus *Cannabis*, regardless of species, and whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. It does not include:

(1) Industrial hemp or hemp possessed, grown, transported, farmed, produced, processed, or possessed by any other entity engaged in hauling, transporting, delivering, or otherwise moving hemp in interstate or intrastate commerce pursuant to a license granted under the provisions of the 2014 farm bill, the 2018 farm bill, 7 CFR 990.1 et seq., or the approved state plan for the state of Idaho. "Industrial hemp" or "hemp" means the plant species *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a measured total delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight or volume basis that shall determine the total delta-9 tetrahydrocannabinol (THC) concentration, including both delta-9 tetrahydrocannabinol and delta-9 tetrahydrocannabinolic acid (THCA) evaluated by decarboxylation during analysis, or by measuring each compound and calculating the total percentage of delta-9 tetrahydrocannabinol if the THCA was decarboxylated, which must not exceed three-tenths of one percent (0.3%).

(2) The mature stalks of the plant genus *Cannabis* unless the same are intermixed with prohibited parts thereof, fiber produced from the stalks, oil or cake made from the seeds or the achene of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom or where the same are intermixed with prohibited parts of such plant, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

Evidence that any plant material or the resin or any derivative thereof, regardless of form, that does not meet the definition of "industrial hemp" or "hemp" as provided in this section, or that is possessed without a license granted under the provisions of the 2014 farm bill, the 2018 farm bill, 7 CFR 990.1 et seq., or the approved state plan for the state of Idaho, contains any of the chemical substances classified as tetrahydrocannabinols shall create a presumption that such material is "marijuana" as defined and prohibited herein.

(u) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(v) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 37-2702, Idaho Code, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(w) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(x) "Peace officer" means any duly appointed officer or agent of a law enforcement agency, as defined herein, including, but not limited to, a duly appointed investigator or agent of the Idaho state police, an officer or employee of the board of pharmacy, who is authorized by the board to enforce this chapter, an officer of the Idaho state police, a sheriff or deputy sheriff of a county, or a marshal or policeman of any city.

(y) "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(z) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(aa) "Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of his professional practice or research in this state;

(2) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of its professional practice or research in this state.

(bb) "Prescribe" means a direction or authorization permitting an ultimate user to lawfully obtain or be administered controlled substances.

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

(dd) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(ee) "Simulated controlled substance" means a substance that is not a controlled substance, but which by appearance or representation would lead a reasonable person to believe that the substance is a controlled substance. Appearance includes, but is not limited to, color, shape, size, and markings of the dosage unit. Representation includes, but is not limited to, representations or factors of the following nature:

- (1) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;
- (2) Statements made to the recipient that the substance may be resold for inordinate profit; or
- (3) Whether the substance is packaged in a manner normally used for illicit controlled substances.

(ff) "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

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

(hh) "Utility" means any person, association, partnership or corporation providing telephone and/or communication services, electricity, natural gas or water to the public.

SECTION 3. That Section 37-2705, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide);
- (5) Allylprodine;
- (6) Alphacetylmethadol (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM);
- (7) Alphameprodine;
- (8) Alphamethadol;
- (9) Alpha-methylfentanyl;
- (10) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (11) Benzethidine;
- (12) Betacetylmethadol;
- (13) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- (14) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide);
- (15) Betameprodine;
- (16) Betamethadol;
- (17) Betaprodine;
- (18) Clonitazene;

- (19) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
- (20) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- (21) Dextromoramide;
- (22) Diampromide;
- (23) Diethylthiambutene;
- (24) Difenoxylin;
- (25) Dimenoxadol;
- (26) Dimepheptanol;
- (27) Dimethylthiambutene;
- (28) Dioxaphetyl butyrate;
- (29) Dipipanone;
- (30) Ethylmethylthiambutene;
- (31) Etonitazene;
- (32) Etoxeridine;
- (33) Fentanyl-related substances. "Fentanyl-related substances" means any substance not otherwise listed and for which no exemption or approval is in effect under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. 355, and that is structurally related to fentanyl by one (1) or more of the following modifications:
- i. Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;
 - ii. Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;
 - iii. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;
 - iv. Replacement of the aniline ring with any aromatic monocycle, whether or not further substituted in or on the aromatic monocycle; and/or
 - v. Replacement of the N-propionyl group by another acyl group;
- (34) 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- (35) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);
- (36) Furethidine;
- (37) Hydroxypethidine;
- (38) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);
- (39) Ketobemidone;
- (40) Levomoramide;
- (41) Levophenacetylmorphan;
- (42) 3-Methylfentanyl;
- (43) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (44) Morpheridine;
- (45) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (46) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- (47) Noracymethadol;
- (48) Norlevorphanol;
- (49) Normethadone;
- (50) Norpipanone;
- (51) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide);
- (52) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);

- (53) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) butyramide);
- (54) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);
- (55) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl) butyramide);
- (56) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (57) Phenadoxone;
- (58) Phenampromide;
- (59) Phenomorphan;
- (60) Phenoperidine;
- (61) Piritramide;
- (62) Proheptazine;
- (63) Properidine;
- (64) Propiram;
- (65) Racemoramide;
- (66) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidine-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);
- (67) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
- (68) Tilidine;
- (69) Trimeperidine;
- (70) u-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide);
- (71) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide).

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

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

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

- (1) Dimethoxyphenethylamine, or any compound not specifically excepted or listed in another schedule that can be formed from dimethoxyphenethylamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s) including, but not limited to, compounds such as DOB, DOC, 2C-B, 25B-NBOMe;
- (2) Methoxyamphetamine or any compound not specifically excepted or listed in another schedule that can be formed from methoxyamphetamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s) including, but not limited to, compounds such as PMA and DOM;
- (3) 5-methoxy-3,4-methylenedioxy-amphetamine;
- (4) 5-methoxy-N,N-diisopropyltryptamine;
- (5) Amphetamine or methamphetamine with a halogen substitution on the benzyl ring, including compounds such as fluorinated amphetamine and fluorinated methamphetamine;
- (6) 3,4-methylenedioxy amphetamine;
- (7) 3,4-methylenedioxymethamphetamine (MDMA);
- (8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-ethyl MDA, MDE, MDEA);
- (9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-hydroxy MDA);
- (10) 3,4,5-trimethoxy amphetamine;
- (11) 5-methoxy-N,N-dimethyltryptamine (also known as 5-methoxy-3-2[2-(dimethylamino)ethyl]indole and 5-MeO-DMT);
- (12) Alpha-ethyltryptamine (some other names: etryptamine, 3-(2-aminobutyl) indole);
- (13) Alpha-methyltryptamine;
- (14) Bufotenine;
- (15) Diethyltryptamine (DET);
- (16) Dimethyltryptamine (DMT);
- (17) Ibogaine;
- (18) Lysergic acid diethylamide;
- (19) Marihuana;
- (20) Mescaline;
- (21) Parahexyl;
- (22) Peyote;
- (23) N-ethyl-3-piperidyl benzilate;
- (24) N-methyl-3-piperidyl benzilate;
- (25) Psilocybin;
- (26) Psilocyn;
- (27) Tetrahydrocannabinols or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure such as the following:

i. Tetrahydrocannabinols, except for the permitted amount of tetrahydrocannabinol found in industrial hemp:

- a. Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers, excluding dronabinol in sesame oil and encapsulated in either a soft gelatin capsule or in an oral solution in a drug product approved by the U.S. Food and Drug Administration.
- b. Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.
- c. $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)
- d. [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyl-octan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol)], also known as 6aR-trans-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol (HU-210) and its geometric isomers (HU211 or dexanabinol).

ii. The following synthetic drugs:

- a. Any compound structurally derived from (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methanone, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methane, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl), methyl or dimethyl butanoate, amino-methyl (or dimethyl)-1-oxobutan-2-yl carboxamide by substitution at the nitrogen atoms of the indole ring or carboxamide to any extent, whether or not further substituted in or on the indole ring to any extent, whether or not substituted to any extent in or on the cycloalkyl, cycloalkenyl, aryl ring(s) (substitution in the ring may include, but is not limited to, heteroatoms such as nitrogen, sulfur and oxygen).
- b. N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-AB-PINACA).
- c. 1-(1.3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone).
- d. 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (4-cn-cumyl-BUTINACA).
- e. Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate * (5f-edmbpinaca).
- f. (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetra-ethylcyclopropyl)methanone (fub-144).
- g. 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (5f-cumyl-pinaca; sgt25).
- h. (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2.3-B]pyridine-3-carboxamide (5fcumyl-P7AICA).
- i. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (MMB-CHMICA, AMB-CHMICA).
- j. Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (5f-mdmbpica).
- k. N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (fub-akb48; fub-apinaca).
- l. Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201; CBL2201).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Mecloqualone;

(4) Methaqualone.

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

- (1) Aminorex (some other names: aminoxaphen, 2-amino-5-phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine);
- (2) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone);
- (3) Substituted cathinones. Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
 - i. By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl or halide substituents, whether or not further substituted in the ring system by one (1) or more other univalent substituents;
 - ii. By substitution at the 3-position with an acyclic alkyl substituent;
 - iii. By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.
- (4) Alpha-pyrrolidinoheptaphenone* (PV8);
- (5) Alpha-pyrrolidinohexanophenone* (a-php);
- (6) 4-chloro-alpha-pyrrolidinovalerophenone* (4chloro-a-pvp);
- (7) Fenethylamine;
- (8) Methcathinone (some other names: 2-(methyl-amino)-propionophenone, alpha-(methylamino)-propionophenone, N-methylcathinone, AL-464, AL-422, AL-463 and UR1423);
- (9) (+/-)cis-4-methylaminorex [(+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine];
- (10) 4-methyl-alpha-ethylaminopentophenone* (4meap);
- (11) 4'-methyl-alpha-pyrrolidinohexiophenone* (mphp);
- (12) N-benzylpiperazine (also known as: BZP, 1-benzylpiperazine);
- (13) N-ethylamphetamine;
- (14) N-ethylhexedrone*;
- (15) N,N-dimethylamphetamine (also known as: N,N-alpha-trimethylbenzeneethanamine).

SECTION 4. That Chapter 29, 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 67-2921, Idaho Code, and to read as follows:

67-2921. TRANSPORTATION OF INDUSTRIAL HEMP. (1) As used in this section:

- (a) "2014 farm bill" means the agriculture act of 2014, P.L. 113-79.
- (b) "2018 farm bill" means the agriculture improvement act of 2018, P.L. 115-334.
- (c) "Hemp" or "industrial hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis, as defined in the 2018 farm bill.
- (d) "Peace officer" has the same meaning as provided in section 19-5101, Idaho Code.
- (e) "Transporter" means any person, individual, partnership, corporation, association, grower, farmer, producer, or any other entity engaged in hauling, transporting, delivering, or otherwise moving hemp in interstate or intrastate commerce.
- (f) "Vehicle" has the same meaning as provided in section 49-123, Idaho Code.

(2) Any rule formulated and recommended by the Idaho state police or the Idaho state department of agriculture regarding the interstate or intrastate transportation of hemp by a transporter or vehicle hauling industrial hemp that is broader in scope or more stringent than federal law or regulations as outlined in the 2014 farm bill and the 2018 farm bill or that proposes to regulate an activity not regulated by the federal government is subject to the following additional requirements: the notice of proposed rulemaking and rulemaking record requirements under chapter 52, title 67, Idaho Code, must clearly specify that the proposed rule, or portions of the proposed rule, are broader in scope or more stringent than federal law or regulations or regulate an activity not regulated by the federal government and delineate which portions of the proposed rule are broader in scope or more stringent than federal law or regulations or regulate an activity not regulated by the federal government. Such rules must be promulgated and adopted through the negotiated rulemaking process.

(3) When a transporter or vehicle hauling industrial hemp pursuant to a license under the provisions of the 2014 farm bill, the 2018 farm bill, or 7 CFR 990.1 et seq., is lawfully detained by a peace officer, the transporter of industrial hemp must consent to inspection of the shipment for the purpose of ensuring compliance with the 2014 farm bill, the 2018 farm bill, and 7 CFR 990.1 et seq. The peace officer may randomly select reasonably sized samples not to exceed twenty (20) grams per sampling event for each unique lot, package, or identified quantity and retain them for future off-sight testing. Transporters are not entitled to compensation for these de minimis samples. The length of the detention must be only as long as reasonably necessary to effectuate inspection, sampling, and weighing of industrial hemp.

(4) Industrial hemp samples are subject to analysis in a manner consistent with the 2018 farm bill and 7 CFR 990.1 et seq. to determine the total delta-9 tetrahydrocannabinol (THC) concentration, including all tetrahydrocannabinolic acid (THCA). Industrial hemp samples not in compliance with the 2018 farm bill and 7 CFR 990.1 et seq. may subject the transporter to criminal penalties for marijuana under chapter 27, title 37, Idaho Code.

(5) Violations. It is unlawful for any person to knowingly possess industrial hemp without a license or in violation of any of the provisions of the 2014 farm bill, the 2018 farm bill, or 7 CFR 990.1 et seq., except when lawfully engaged in transporting industrial hemp on behalf of and at the direction of the licensee.

(6) Penalties.

(a) Any person who pleads guilty to or is found guilty of a violation of subsection (5) of this section for the first time is guilty of a misdemeanor and is subject to a fine of no more than one hundred fifty dollars (\$150).

(b) Any person who pleads guilty to or is found guilty of a violation of subsection (5) of this section for the second time within a period of five (5) years of the first conviction is guilty of a misdemeanor and is subject to a fine of no more than three hundred dollars (\$300).

(c) Any person who pleads guilty to or is found guilty of a violation of subsection (5) of this section for the third or subsequent time within a period of five (5) years of the first conviction is guilty of a misdemeanor, punishable by a fine of no more than one thousand dollars (\$1,000), or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment.

(d) Industrial hemp transported or possessed in violation of subsection (5) of this section is deemed contraband and is subject to seizure and destruction.

(7) When a substance transported and tested pursuant to this section fails to meet the definition of industrial hemp set forth in this section because the test results demonstrate that the substance has a delta-9 tetrahydrocannabinol concentration greater than three-tenths of one percent (0.3%) on a dry weight basis, nothing in this section otherwise inhibits or restricts any peace officer from enforcing the provisions of chapter 27, title 37, Idaho Code.

(8) The provisions of this section must not be construed to apply to any material or product derived from industrial hemp that contains no quantity of delta-9 tetrahydrocannabinol concentration and is not derived from the prohibited parts of the marijuana plant, as provided in section 37-2701(t), Idaho Code.

(9) This section must not be interpreted to apply to industrial hemp transported in or through the state of Idaho prior to enactment of this section.

SECTION 5. SEVERABILITY. The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration does 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 16, 2021

CHAPTER 243
(H.B. No. 142)

AN ACT

RELATING TO EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1304, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 72-1319, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 72-1328, IDAHO CODE, TO CLARIFY LANGUAGE REGARDING CERTAIN PLANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 72-1366, IDAHO CODE, TO REVISE A PROVISION REGARDING PERSONAL ELIGIBILITY CONDITIONS OF A BENEFIT CLAIMANT, TO REMOVE A PROVISION REGARDING A CERTAIN REPORT, AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 72-1369, IDAHO CODE, TO REVISE A PROVISION REGARDING THE DIRECTOR'S DISCRETION TO COMPROMISE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 72-1304, Idaho Code, be, and the same is hereby amended to read as follows:

72-1304. AGRICULTURAL LABOR. (1) "Agricultural labor" means all services performed:

(a) On a farm, in the employ of any person in connection with cultivating the soil, or raising or harvesting any agricultural, aquacultural or horticultural commodities, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, fish, poultry, and ~~fur-bearing animals~~ furbearers, and wildlife;

(b) In the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane if the major part of such service is performed on a farm;

(c) In connection with the operation or maintenance of ditches, canals, reservoirs, or waterways not owned or operated for profit and used exclusively for supplying and storing water, at least ninety percent (90%) of which was ultimately delivered for agricultural purposes during the preceding calendar year; and

(d) In the employ of any farm operator or group of operators, organized or unorganized, in handling, planting, drying, packing, packaging, eviscerating, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market in its unmanufactured state any agricultural, aquacultural or horticultural commodities, if such operator or group, in both the current and preceding calendar years, produced more than one-half (1/2) of the commodities with respect to which such service is performed.

This subsection is not applicable to services performed in commercial canning, freezing, or dehydrating, or in connection with any agricultural, aquacultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(2) "Custom farming" means "agricultural labor" for the purposes of this chapter.

(3) "Farm" includes stock, dairy, fish, poultry, fruit, fur-bearing animal, furbearer and truck farms, plantations, ranches, nurseries, hatcheries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural, aquacultural or horticultural commodities, and orchards.

(34) "Unmanufactured state" means retention of its original form and substance.

(45) "Terminal market" means a place of business to which products are shipped in a sorted, graded, packaged condition, ready for immediate sale.

SECTION 2. That Section 72-1319, Idaho Code, be, and the same is hereby amended to read as follows:

72-1319. ELIGIBLE EMPLOYER. (1) "Eligible employer" means a covered employer who has completed a qualifying period as defined in subsection (2) of this section, and who has filed all payroll reports required, has paid, on or before the ~~cut-off~~ cutoff date, all contributions and penalties due, and has established a record of accumulated contributions in excess of benefits charged to his account. For the purposes of this section, delinquencies of a minor nature may be disregarded if the director is satisfied that such covered employer has acted in good faith and that forfeiture of a reduced taxable wage rate because of such minor delinquency would be inequitable.

(2) "Qualifying period" shall be the period of three (3) consecutive years ending on the computation date in which, during all of said years, the employer shall be chargeable for benefits under this state law subject to the requirements of this chapter, except, that a new employer shall have a qualifying period of one (1) year ending on the computation date in which, during all of said year, the employer shall be chargeable for benefits under this state law subject to the requirements of this chapter.

SECTION 3. That Section 72-1328, Idaho Code, be, and the same is hereby amended to read as follows:

72-1328. WAGES. (1) "Wages" shall include:

(a) All remuneration for personal services from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash;

(b) All tips received while performing services in covered employment totaling twenty dollars (\$20.00) or more in a month, which are reported in writing to the employer as required under federal law;

(c) Any employer contribution under a qualified cash or deferred agreement as defined in 26 U.S.C. 401(k) to the extent such contribution is not included in gross income by reason of 26 U.S.C. 402(a) (8).

(2) The term "wages" shall not include:

(a) Payments (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an individual or any of his dependents under a plan established by an employer ~~which~~ that makes provision generally for individuals performing service for him (or for such individuals generally and their dependents) or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents) on account of: (i) sickness or accident disability (but, in the case of payments made to an employee or any of his dependents, this subparagraph shall exclude from the term "wages" only payments ~~which are~~ received under a worker's compensation law), or (ii) medical or hospitalization expenses in connection with sickness or accident disability, or (iii) death;

(b) Payments on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an individual performing services for him after the expiration of six (6) calendar months following the last calendar month in which the individual performed services for such employer;

(c) Payments made by an employer to, or on behalf of, an individual performing services for him or his beneficiary: (i) from or to a trust described in section 401(a) of the ~~Federal~~ Internal Revenue Code ~~which~~ that is exempt from tax under section 501(a) of the ~~Federal~~ Internal Revenue Code at the time of such payment unless such payment is made to an individual performing services for the trust as remuneration for such services and not as a beneficiary of the trust, or (ii) under or to an annuity plan ~~which~~ that, at the time of such payments, is a plan described in section 403(a) of the ~~Federal~~ Internal Revenue Code, or (iii) under a cafeteria plan within the meaning of section 125 of the ~~Federal~~ Internal Revenue Code;

(d) Payments made by an employer (without deduction from the remuneration of the individual in its employ) of the tax imposed upon an individual in his employ under section 3101 of the ~~Federal~~ Internal Revenue Code; or

(e) Noncash payments for farm work.

(3) Any third party ~~which makes~~ making a sickness or accident disability payment, ~~which is~~ not excluded from wages under subsection (2) (a) (i) of this section, shall be treated as the employer with respect to such payment of wages for the purposes of this chapter.

SECTION 4. That Section 72-1366, Idaho Code, be, and the same is hereby amended to read as follows:

72-1366. PERSONAL ELIGIBILITY CONDITIONS. The personal eligibility conditions of a benefit claimant are that:

(1) The claimant shall have made a claim for benefits and provided all necessary information pertinent to eligibility.

(2) The claimant shall have registered for work and thereafter reported to a job service office or other agency in a manner prescribed by the director.

(3) The claimant shall have met the minimum wage requirements in his base period as provided in section 72-1367, Idaho Code.

(4) (a) During the whole of any week with respect to which he claims benefits or credit to his waiting period, the claimant was:

(i) Able to work, available for suitable work, and seeking work; provided, however, that no claimant shall be considered ineligible for failure to comply with the provisions of this subsection if:

1. Such failure is due to ~~the~~ a claimant's illness or disability ~~that occurs after he has filed a claim and of not more than four (4) weeks that arises after filing a claim, provided that during such illness or disability, the claimant does not refuse or miss suitable work that would have provided wages greater than one-half (1/2) of the claimant's weekly benefit amount; or~~

2. Such failure is due to compelling personal circumstances, provided that such failure does not exceed a minor portion of the claimant's workweek and during which time the claimant does not refuse or miss suitable work that would have provided wages greater than one-half (1/2) of the claimant's weekly benefit amount; and

(ii) Living in a state, territory, or country that is included in the interstate benefit payment plan or that is a party to an agreement with the United States or the director with respect to unemployment insurance.

(b) If a claimant who is enrolled in an approved job training course pursuant to subsection (8) of this section fails to attend or otherwise participate in the job training course during any week with respect to which he claims benefits or credit to his waiting period, the claimant shall be ineligible for that week if he was not able to work nor available for suitable work, to be determined as follows: The claimant shall be ineligible unless he is making satisfactory progress in the training and his failure to attend or otherwise participate was due to:

(i) The claimant's illness or disability that occurred after he had filed a claim and the claimant missed fewer than one-half (1/2) of the classes available to him that week; or

(ii) Compelling personal circumstances, provided that the claimant missed fewer than one-half (1/2) of the classes available to him that week.

(c) A claimant shall not be denied regular unemployment benefits under any provision of this chapter relating to availability for work, active search for work or refusal to accept work, solely because the claimant is seeking only part-time work, if the department determines that a majority of the weeks of work in the claimant's base period were for less than full-time work. For the purpose of this subsection, "seeking only part-time work" is defined as seeking work that has comparable hours to the claimant's part-time work experience in the base period, except that a claimant must be available for at least twenty (20) hours of work per week.

(5) The claimant's unemployment is not due to the fact that he left his employment voluntarily without good cause connected with his employment, or that he was discharged for misconduct in connection with his employment.

(6) The claimant's unemployment is not due to his failure without good cause to apply for available suitable work or to accept suitable work when offered to him. The longer a claimant has been unemployed, the more willing he must be to seek other types of work and accept work at a lower rate of pay.

(7) In determining whether or not work is suitable for an individual, the degree of risk involved to his health, safety, morals, physical fitness, experience, training, past earnings, length of unemployment and prospects for obtaining local employment in his customary occupation, the distance of the work from his residence, and other pertinent factors shall be considered. No employment shall be deemed suitable and benefits shall not be denied to any otherwise eligible individual for refusing to accept new work or to hold himself available for work under any of the following conditions:

(a) If the vacancy of the position offered is due directly to a strike, lockout, or other labor dispute;

(b) If the wages, hours, or other conditions of the work offered are below those prevailing for similar work in the locality of the work offered;

(c) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(8) No claimant who is otherwise eligible shall be denied benefits for any week due to an inability to comply with the requirements contained in subsections (4) (a) (i) and (6) of this section if:

(a) The claimant is a participant in a program sponsored by title I of the workforce innovation and opportunity act (29 U.S.C. 3101 et seq., as amended) and attends a job training course under that program; or

(b) The claimant attends a job training course authorized pursuant to the provisions of section 236(a) (1) of the trade act of 1974 or the North American free trade agreement implementation act.

(c) The claimant lacks skills to compete in the labor market and attends a job training course with the approval of the director. The director may approve job training courses that meet the following criteria:

(i) The purpose of the job training is to teach the claimant skills that will enhance the claimant's opportunities for employment; and

(ii) The job training can be completed within two (2) years, except that this requirement may be waived pursuant to rules that the director may prescribe.

~~This subsection shall apply only if the claimant submits with each claim report a written certification from the training facility that the claimant is attending and satisfactorily completing the job training course. If the claimant fails to attend or otherwise participate in the job training course, it must be determined whether the claimant is able to work and available for suitable work as provided in subsection (4) (b) of this section.~~

(9) No claimant who is otherwise eligible shall be denied benefits under subsection (5) of this section for leaving employment to attend job training pursuant to subsection (8) of this section, provided that the claimant obtained the employment after enrollment in or during scheduled breaks in the job training course, or that the employment was not suitable. For purposes of this subsection, the term "suitable employment" means work of a substantially equal or higher skill level than the individual's past employment, and wages for such work are not less than eighty percent (80%) of the average weekly wage in the individual's past employment.

(10) A claimant shall not be eligible to receive benefits for any week with respect to which it is found that his unemployment is due to a labor dispute; provided, that this subsection shall not apply if it is shown that:

(a) The claimant is not participating, financing, aiding, abetting, or directly interested in the labor dispute; and

(b) The claimant does not belong to a grade or class of workers with members employed at the premises at which the labor dispute occurs, who are participating in or directly interested in the dispute.

(11) A claimant shall not be entitled to benefits for any week with respect to which or a part of which he has received or is seeking benefits under an unemployment insurance law of another state or of the United States; provided, that if the appropriate agency of such other state or of the United States shall finally determine that he is not entitled to such unemployment compensation or insurance benefits, he shall not by the provisions of this subsection be denied benefits. For purposes of this section, a law of the United States providing any payments of any type and in any amounts for periods of unemployment due to involuntary unemployment shall be considered an unemployment insurance law of the United States.

(12) A claimant shall not be entitled to benefits for a period of fifty-two (52) weeks if it is determined that he has willfully made a false statement or willfully failed to report a material fact in order to obtain benefits. The period of disqualification shall commence the week the determination is issued. The claimant shall also be ineligible for waiting week credit and shall repay any sums received for any week for which the claimant received waiting week credit or benefits as a result of having willfully made a false statement or willfully failed to report a material fact. The claimant shall also be ineligible for waiting week credit or benefits for any week in which he owes the department an overpayment, civil penalty, or interest resulting from a determination that he willfully made a false statement or willfully failed to report a material fact.

(13) A claimant shall not be entitled to benefits if his principal occupation is self-employment.

(14) A claimant who has been found ineligible for benefits under the provisions of subsection (5), (6), (7) or (9) of this section shall reestablish his eligibility by having obtained bona fide work and received wages therefor in an amount of at least fourteen (14) times his weekly benefit amount.

(15) Benefits based on service in employment defined in sections 72-1349A and 72-1352(3), Idaho Code, shall be payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to this act.

(a) If the services performed during one-half (1/2) or more of any contract period by an individual for an educational institution as defined in section 72-1322B, Idaho Code, are in an instructional, research, or principal administrative capacity, all the services shall be deemed to be in such capacity.

(b) If the services performed during less than one-half (1/2) of any contract period by an individual for an educational institution are in an instructional, research, or principal administrative capacity, none of the service shall be deemed to be in such capacity.

(c) As used in this section, "contract period" means the entire period for which the individual contracts to perform services, pursuant to the terms of the contract.

(16) No claimant is eligible to receive benefits in two (2) successive benefit years unless, after the beginning of the first benefit year during which he received benefits, he performed service and earned an amount equal to not less than six (6) times the weekly benefit amount established during the first benefit year.

(17) (a) Benefits based on wages earned for services performed in an instructional, research, or principal administrative capacity for an educational institution shall not be paid for any week of unemployment commencing during the period between two (2) successive academic years, or during a similar period between two (2) terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual who performs such services in the first academic year (or term) and has a contract to perform services in any such capacity for any educational institution in the second academic year or term, or has been given reasonable assurance that such a contract will be offered.

(b) Benefits based on wages earned for services performed in any other capacity for an educational institution shall not be paid to any individual for any week that commences during a period between two (2) successive school years or terms if the individual performs such services in the first school year or term, and there is a contract or reasonable assurance that the individual will perform such services in the second school year or term. If benefits are denied to any individual under this paragraph and the individual was not offered an opportunity to perform such services for the educational institution for the second academic year or term, the individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this clause paragraph.

(c) With respect to any services described in paragraphs (a) and (b) of this subsection, benefits shall not be paid nor "waiting week" credit given to an individual for wages earned for services for any week that commences during an established and customary vacation period or holiday recess if the individual performed the services in the period immediately before the vacation period or holiday recess, and there is a reasonable assurance the individual will perform such services in the period immediately following such vacation period or holiday recess.

(d) With respect to any services described in paragraphs (a) and (b) of this subsection, benefits shall not be payable on the basis of services in any capacities specified in paragraphs (a), (b) and (c) of this subsection to any individual who performed such services in an educational institution while in the employ of an educational service agency. For purposes of this paragraph, the term "educational service agency" means a governmental entity that is established and operated exclusively for the purpose of providing such services to one (1) or more educational institutions.

(18) Benefits shall not be payable on the basis of services that substantially consist of participating in sports or athletic events or training or preparing to participate for any week which commences during the period between two (2) successive sport seasons (or similar periods) if the individual performed services in the first season (or similar period) and there is a reasonable assurance that the individual will perform such services in the later of such season (or similar period).

(19) (a) Benefits shall not be payable on the basis of services performed by an alien unless the alien was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time the services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of sections 207 and 208 or section 212(d)(5) of the immigration and nationality act).

(b) Any data or information required of individuals applying for benefits to determine eligibility under this subsection shall be uniformly required from all applicants for benefits.

(c) A decision to deny benefits under this subsection must be based on a preponderance of the evidence.

(20) An individual who has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the director must participate in those reemployment services unless:

(a) The individual has completed such services; or

(b) There is justifiable cause, as determined by the director, for the claimant's failure to participate in such services.

(21) (a) A claimant:

(i) Who has been assigned to work for one (1) or more customers of a staffing service; and

(ii) Who, at the time of hire by the staffing service, signed a written notice informing him that completion or termination of an assignment for a customer would not, of itself, terminate the employment relationship with the staffing service;

will not be considered unemployed upon completion or termination of an assignment until such time as he contacts the staffing service to determine if further suitable work is available. If the claimant:

1. Contacts the staffing service and refuses a suitable work assignment that is offered to him at that time, he will be considered to have voluntarily quit that employment; or

2. Contacts the staffing service and the service does not have a suitable work assignment for him, he will be considered unemployed due to a lack of work; or

3. Accepts new employment without first contacting the staffing service for additional work, he will be considered to have voluntarily quit employment with the staffing service.

(b) For the purposes of this subsection, the term "staffing service" means any person who assigns individuals to work for its customers and includes, but is not limited to, professional employers as defined in chapter 24, title 44, Idaho Code, and the employers of temporary employees as defined in section 44-2403(7), Idaho Code.

(22) (a) A claimant who is otherwise eligible for regular benefits as defined in section 72-1367A(1)(e), Idaho Code, shall be eligible for training extension benefits if the department determines that all of the following criteria are met:

(i) The claimant is unemployed;

(ii) The claimant has exhausted all rights to regular unemployment benefits as defined in section 72-1367A(1)(e), Idaho Code, and all rights to extended benefits as defined in section 72-1367A(1)(f), Idaho Code, and all rights to benefits under section 2002 ("increase in unemployment compensation benefits") of division B, title II, the assistance for unemployed workers and struggling families act, of the American recovery and reinvestment act of 2009, public law 111-5, as enacted on February 17, 2009;

(iii) The claimant is enrolled in a training program approved by the department or in a job training program authorized under the workforce innovation and opportunity act; except that the training program must prepare the claimant for entry into a high-demand occupation if the department determines that the claimant separated from a declining occupation or has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the claimant's place of employment.

For the purposes of this subsection, a "declining occupation" is one where there is a lack of sufficient current demand in the claimant's labor market area for the occupational skills for which the claimant is qualified by training and experience or current physical or mental capacity and the lack of employment opportunities is expected to continue for an extended period of time, or the claimant's occupation is one for which there is a seasonal variation in demand in the labor market and the claimant has no other skills for which there is current demand. For the purposes of this subsection, a "high-demand occupation" is an occupation in a labor market area where work opportunities are available and qualified applicants are lacking as determined by the use of available labor market information;

(iv) The claimant is making satisfactory progress to complete the training as determined by the department; and

(v) The claimant is not receiving similar stipends or other training allowances for nontraining costs. For the purposes of this subsection, "similar stipend" means an amount provided under a program with similar aims, such as providing training to increase employability, and in approximately the same amounts.

(b) The weekly training extension benefit amount shall equal the claimant's weekly benefit amount for the most recent benefit year less any deductible income as determined by the provisions of this chapter. The total amount of training extension benefits payable to a claimant shall be equal to twenty-six (26) times the claimant's average weekly benefit amount for the most recent benefit year. A claimant who is receiving training extension benefits shall not be denied training extension benefits due to the application of subsections (4) (a) (i) and (6) of this section and an employer's account shall not be charged for training extension benefits paid to the claimant.

SECTION 5. That Section 72-1369, Idaho Code, be, and the same is hereby amended to read as follows:

72-1369. OVERPAYMENTS, CIVIL PENALTIES AND INTEREST -- COLLECTION AND WAIVER. (1) Any person who received benefits to which he was not entitled under the provisions of this chapter or under an unemployment insurance law of any state or of the federal government shall be liable to repay the benefits, and the benefits shall, for the purpose of this chapter, be considered to be overpayments.

(2) Civil penalties. The director shall assess the following monetary penalties for each determination in which the claimant is found to have made a false statement, misrepresentation, or failed to report a material fact to the department:

(a) Twenty-five percent (25%) of any resulting overpayment for the first determination;

(b) Fifty percent (50%) of any resulting overpayment for the second determination; and

(c) One hundred percent (100%) of any resulting overpayment for the third and any subsequent determination.

(3) Any overpayment, civil penalty and/or interest ~~which~~ that has not been repaid may, in addition to or alternatively to any other method of collection prescribed in this chapter, including the creation of a lien as provided by section 72-1360, Idaho Code, be collected with interest thereon at the rate prescribed in section 72-1360(2), Idaho Code. The director may also file a civil action in the name of the state of Idaho. In bringing such civil actions for the collection of overpayments, penalties and interest, the director shall have all the rights and remedies provided by the laws of this state, and any person adjudged liable in such civil action for any overpay-

ments shall pay the costs of such action. A civil action filed pursuant to this subsection shall be commenced within five (5) years from the date of the final determination establishing liability to repay. Any judgment obtained pursuant to this section shall, upon compliance with the requirements of chapter 19, title 45, Idaho Code, become a lien of the same type, duration and priority as if it were created pursuant to section 72-1360, Idaho Code.

(4) Collection of overpayments and civil penalties.

(a) Overpayments, other than those resulting from a false statement, misrepresentation, or failure to report a material fact by the claimant, ~~which that~~ have not been repaid or collected, may, at the discretion of the director, be deducted from any future benefits payable to the claimant under the provisions of this chapter. Such overpayments not recovered within five (5) years from the date of the final determination establishing liability to repay may be deemed uncollectible.

(b) Overpayments resulting from a false statement, misrepresentation, or failure to report a material fact by the claimant ~~which that~~ have not been recovered within eight (8) years from the date of the final determination establishing liability to repay may be deemed uncollectible.

(c) The civil penalty assessed pursuant to subsection (2) of this section shall be paid as follows:

(i) An amount totaling fifteen percent (15%) of the overpayment shall be paid into the employment security fund created in section 72-1346, Idaho Code; and

(ii) Any additional amounts collected shall be paid into the employment security administrative and reimbursement fund created in section 72-1348, Idaho Code.

(5) The director may waive the requirement to repay an overpayment, other than one resulting from a false statement, misrepresentation, or failure to report a material fact by the claimant, and interest thereon, if:

(a) The benefit payments were made solely as a result of department error or inadvertence and made to a claimant who could not reasonably have been expected to recognize the error; or

(b) Such payments were made solely as a result of an employer misreporting wages earned in a claimant's base period and made to a claimant who could not reasonably have been expected to recognize an error in the wages reported.

(6) Neither the director nor any of his agents or employees shall be liable for benefits paid to persons not entitled to the same under the provisions of this chapter if it appears that such payments have been made in good faith and that ordinary care and diligence have been used in the determination of the validity of the claim or claims under which such benefits have been paid.

(7) ~~The director may, in his sole~~ shall have discretion, ~~to compromise any or all of an overpayment, civil penalty in excess of the amount required to be paid into the employment security fund pursuant to subsection (4) (c) of this section, interest, or fifty-two (52) week disqualification assessed under subsections (1) and (2) of this section and section 72-1366(12), Idaho Code, when the director finds it is in the best interest of the department.~~

Approved April 16, 2021

CHAPTER 244
(H.B. No. 143)

AN ACT

RELATING TO THE IDAHO BUILDING CODE ACT; AMENDING CHAPTER 41, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4109A, IDAHO CODE, TO PROVIDE FOR THE ADOPTION OF 2021 INTERNATIONAL BUILDING CODE STANDARDS FOR MASS TIMBER CONSTRUCTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 41, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-4109A, Idaho Code, and to read as follows:

39-4109A. MASS TIMBER CONSTRUCTION. By January 1, 2022, the Idaho building code board shall amend the current Idaho building code to include the provisions of the 2021 International Building Code relating to mass timber construction. This must include permitting the three (3) new mass timber construction types IV-A, IV-B, and IV-C, along with the corresponding maximum heights and fire safety features.

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 April 16, 2021

CHAPTER 245
(H.B. No. 166)

AN ACT

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 25-3701, IDAHO CODE, TO REMOVE THE PROHIBITION OF HOLDING REINDEER FOR DOMESTIC PURPOSES NORTH OF THE SALMON RIVER.

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

SECTION 1. That Section 25-3701, Idaho Code, be, and the same is hereby amended to read as follows:

25-3701. DOMESTIC CERVIDAE FARMING DEEMED AGRICULTURAL PURSUIT. It shall be lawful for any person, association or corporation to breed, own or control domestic cervidae, which are defined as fallow deer (dama dama), elk (cervus elaphus) or reindeer (rangifer tarandus), but shall not include red deer (urasian cervidae) or any subspecies or hybrids thereof, and hold such animal in captivity for breeding or other useful purposes on domestic cervidae farms or ranches, provided the premises have been registered with the division of animal industries. ~~Reindeer (rangifer tarandus) shall not be held for domestic purposes north of the Salmon River.~~ For the purposes of all classification and administration of the laws of the state of Idaho, and all administrative orders and rules pertaining thereto, the breeding, raising, producing, harvesting or marketing of such animals or their products by the producer or his agent shall be deemed an agricultural pursuit; such animals shall be deemed livestock and their products shall be deemed agricultural products; the persons engaged in such agricultural pursuits shall be deemed farmers, cervidae farmers, cervidae breeders or cervidae ranchers; the premises within which such pursuit is conducted shall be deemed farms, cervidae farms, or cervidae ranches.

Approved April 16, 2021

CHAPTER 246
(H.B. No. 239)

AN ACT

RELATING TO PHOSPHATE; AMENDING SECTION 39-176A, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS AND PURPOSE; AMENDING SECTION 39-176B, IDAHO CODE, TO REVISE PROVISIONS REGARDING SCOPE AND APPLICABILITY; AMENDING SECTION 39-176C, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; REPEALING SECTION 39-176D, IDAHO CODE, RELATING TO BOARD POWERS; AMENDING SECTION 39-176E, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONSTRUCTION REQUIREMENTS; AND AMENDING SECTION 39-176F, IDAHO CODE, TO PROVIDE FOR CERTAIN FEES.

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

SECTION 1. That Section 39-176A, Idaho Code, be, and the same is hereby amended to read as follows:

39-176A. LEGISLATIVE FINDINGS AND PURPOSE. ~~(1)~~ The legislature finds that:

(a~~1~~) A domestic supply of phosphate fertilizers is critical to our nation's food security and Idaho's agricultural economy;

(b~~2~~) The production of phosphoric acid is a key ingredient in phosphate fertilizers and, given Idaho's rich supply of phosphate rock, the state is home to phosphoric acid production facilities;

(e~~3~~) Phosphogypsum is a calcium sulfate by-product produced by the reaction of sulfuric acid with phosphate rock to produce phosphoric acid and is disposed of and placed in phosphogypsum stacks near phosphoric acid production facilities;

(d~~4~~) The United States congress and the environmental protection agency exempted certain high-volume, low-toxicity solid wastes, including phosphogypsum and process water from phosphoric acid production, from regulation as a hazardous waste under subtitle C of the resource conservation and recovery act (42 U.S.C. 6901 et seq.), as amended; and

(e~~5~~) To both facilitate and encourage the continued manufacturing of phosphate fertilizers, and to benefit the surface water and groundwater environmental resources, the legislature recognizes the need for ~~the department of environmental quality to develop a program to assure the proper design and construction of phosphogypsum stacks and phosphogypsum stack systems.~~

~~(2) Therefore, it is the intent of the legislature to authorize the board of environmental quality to initiate negotiated rulemaking consistent with the requirements of sections 39-176A through 39-176F, Idaho Code.~~

SECTION 2. That Section 39-176B, Idaho Code, be, and the same is hereby amended to read as follows:

39-176B. SCOPE AND APPLICABILITY. (1) Nothing in this chapter shall be construed as superseding, amending, or modifying the mineral processing waste exemption provided in 40 CFR 261.4(b)(7) and IDAPA 58.01.05.005, for process wastewater and phosphogypsum from phosphoric acid production.

(2) Nothing in this chapter is intended to supersede or modify any existing or future agreement with or approvals from the environmental protection agency or the department of environmental quality relating to the construction of a phosphogypsum stack, phosphogypsum stack system, or component thereof.

(3) The requirements in sections 42-1710 through 42-1721, Idaho Code, shall not apply to phosphogypsum stacks and phosphogypsum stack systems.

(4) This chapter establishes and clarifies minimum design and construction requirements to ensure that phosphogypsum stack system impoundments meet critical safety standards and do not cause unplanned releases into the environment.

SECTION 3. That Section 39-176C, Idaho Code, be, and the same is hereby amended to read as follows:

39-176C. DEFINITIONS. Wherever used or referred to in sections 39-176A through 39-176F, Idaho Code, unless a different meaning clearly appears from the context:

(1) "Auxiliary holding pond" (AHP) means a lined storage pond typically used to hold process wastewater for the purpose of increasing system storage above that otherwise provided by a collection pond or ponds.

(2) "Board" means the Idaho board of environmental quality.

(3) "Intermediate liner" means a liner placed on top of an existing lined or unlined phosphogypsum stack to allow continued use of the existing phosphogypsum stack.

(4) "Lateral expansion" means a horizontal expansion of the waste boundaries of an existing phosphogypsum stack system.

(45) "Leachate" means liquid or drainable pore water that has passed through or emerged from phosphogypsum and that may be collected within the phosphogypsum stack system or in a seepage collection drain.

(56) "Operator" means any person or persons, any partnership, limited partnership, corporation, or any association of persons, either natural or artificial, that own, control, or direct the management of a phosphogypsum stack.

(67) "Phosphogypsum" means calcium sulfate and by-products produced by the reaction of an acid, such as sulfuric acid or fluoride acid, with phosphate rock to produce phosphoric acid.

(78) "Phosphogypsum stack" means any defined geographic area associated with a phosphoric acid production facility in which phosphogypsum and process wastewater from phosphoric acid production are disposed of or stored, other than within a fully enclosed building, container, or tank.

(89) "Phosphogypsum stack system" means the defined geographic area associated with the phosphoric acid production facility in which phosphogypsum and process wastewater are disposed of or stored together, including ~~all components such as pumps, piping, ditches, drainage, conveyances, water control structures, collection ponds, cooling ponds, decant ponds, surge ponds, auxiliary holding ponds, and any other collection or conveyance system~~ associated with the transport of phosphogypsum from the plant to the phosphogypsum stack, its management at the stack, and the process wastewater return to phosphoric acid production to the phosphogypsum stack. This includes toe drain systems and ditches and other leachate collection systems, but does not include conveyances within the confines of the fertilizer production plant or emergency diversion impoundments used in emergency circumstances caused by power outages or rainfall events.

(10) "Phosphogypsum stack system component" means collection ponds, cooling ponds, decant ponds, surge ponds, and auxiliary holding ponds.

(911) "Process wastewater" means process wastewater from phosphoric acid production operations.

SECTION 4. That Section 39-176D, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 39-176E, Idaho Code, be, and the same is hereby amended to read as follows:

39-176E. CONSTRUCTION REQUIREMENTS FOR NEW PHOSPHOGYPSUM STACKS -- LATERAL EXPANSIONS OF EXISTING PHOSPHOGYPSUM STACKS. Any operator desiring to construct a new phosphogypsum stack, a material component thereof, or a lateral expansion shall submit to the department of environmental quality for review and approval prior to commencing construction a design and construction plan, including construction quality control, that includes minimum design and construction requirements to control and minimize the movement of waste and waste constituents into the environment. Plans and specifications submitted to satisfy the requirements of sections 39-176A through 39-176F, Idaho Code, shall be certified by a registered professional engineer. The minimum design requirements include the following features and standards:

(1) Run-on and runoff controls for the phosphogypsum stack systems for the collection, control, and treatment, as needed, of run-on and runoff from the systems. The controls shall be capable of managing a flow resulting from a twenty-four (24) hour, twenty-five (25) year rainfall event or from a combined peak precipitation and snowmelt event over a twenty-four (24) hour period using snowfall, precipitation, and other meteorological data from the historical record.

(2) Any new phosphogypsum stack or lateral expansion shall be designed with an overall factor of safety of 1.5 for any potential failure surface encompassing the impoundment on top of the stack and passing through the phosphogypsum slope or bottom liner interfaces or extending into earthen material in contact with the bottom liner.

(3) Liner and leachate control systems that achieve the following minimum design standards:

(a) Phosphogypsum stacks, collection ponds, decant ponds, and cooling ponds shall be constructed atop a composite liner or approved alternative of equivalent hydraulic conductivity and durability. Liners shall be constructed of materials that have appropriate physical, chemical, and mechanical properties to prevent failure. A composite liner will have both a synthetic and a nonsynthetic component.

(i) The synthetic component shall consist of a sixty (60) mil or thicker HDPE or equivalent geomembrane with a maximum water vapor transmission rate of twenty-four hundredths (0.24) of one gram per square meter per day as determined by the American society for testing and materials (ASTM) method E96-80, procedure BW.

(ii) The nonsynthetic component shall consist of either soil, phosphogypsum, or sedimented phosphogypsum or equivalent material.

1. Soil or equivalent material. A layer of compacted soil or other equivalent material at least eighteen (18) inches thick, placed below the geomembrane, with a maximum hydraulic conductivity of 1×10^{-7} centimeters per second, constructed in six (6) inch lifts.

2. Phosphogypsum. A layer of mechanically compacted phosphogypsum at least twenty-four (24) inches thick, placed above the geomembrane, with a maximum hydraulic conductivity of 1×10^{-4} centimeters per second. A layer of compacted phosphogypsum is not required for any vertical expansion or natural ground slopes steeper than 2.5H:1V abutting a vertical or horizontal expansion where phosphogypsum slurry is discharged in the expansion area.

(iii) The nonsynthetic layer of the composite liner is not required for vertical expansions where:

1. It has been demonstrated that a synthetic liner alone or in contact with sedimented phosphogypsum placed in slurry form will be equivalent or superior to a composite liner;

2. It has been demonstrated that a synthetic liner in contact with sedimented phosphogypsum placed in a slurry form is equivalent or superior to a composite liner with twenty-four (24) inches of compacted phosphogypsum placed above the geomembrane; or

3. For lateral expansions, it has been demonstrated and certified by a third-party professional engineer that a synthetic liner in contact with sedimented phosphogypsum placed in slurry form, and with consideration of the physical hydrogeological setting of the specific lateral expansion, provides an equivalent or superior degree of protection for human health and the environment.

(iv) The nonsynthetic layer of the composite liner will not be required for an alternative liner, such as a double synthetic liner, that has the equivalent hydraulic conductivity and durability to a composite liner.

(v) An approved alternative shall have the equivalent hydraulic conductivity and durability of a composite liner.

(vi) For an intermediate liner, a composite liner is not required.

(b) All liner and leachate control system components shall have appropriate quality control and quality assurance standards, specifications, and procedures for construction, including:

(i) Procedures and tests that will be used to monitor the installation of the liner system components shall be described in detail;

(ii) Description of sampling activities, sample size, sample locations, minimum frequency of testing, acceptance and rejection criteria, and plans for implementing corrective measures that may be necessary; and

(iii) Description of reporting for constructive quality assurance and quality control activities, including observation data sheets, problem identification, corrective measures, and final documentation.

(c) Phosphogypsum stacks shall have a leachate control system. Any leachate emanating from a phosphogypsum stack system shall be routed to a collection pond, such as a decant pond or similar water structure, to be contained within the system or recirculated to the production plant, or, if discharged, treated if required to meet applicable water quality and discharge requirements. Collection ponds shall be constructed with a composite liner or an approved alternative of equivalent hydraulic conductivity and durability; All toe drain or leachate collection systems shall be constructed within the lined system. Leachate control systems shall:

(i) Have a perimeter underdrain system designed to stabilize the side slopes of the phosphogypsum stack that is installed above the geomembrane liner; and

(ii) Have perimeter drainage conveyances that either consist of covered or uncovered ditches that are lined continuously with sixty (60) mil or thicker HDPE or equivalent geomembrane, or of chemically compatible leachate collection pipes. Covered ditches shall have manholes or appropriate cleanout structures at appropriate intervals unless a third-party engineer certifies and identifies areas where manholes or cleanout structures in piped systems are not feasible.

(d) Auxiliary holding ponds shall be designed with a synthetic liner or an approved alternative of equivalent hydraulic conductivity and durability, and.

(e) Process wastewater conveyances shall be constructed with a liner or pipe.

(34) Perimeter dikes that shall incorporate minimum design standards for freeboard, safety, and slope stability design factors, construction methods, and other related parameters, including:

(a) Ground that will become the foundation of perimeter dikes shall be stripped of vegetation and organic detritus or residue, including muck, slimes, or other material that would flow or undergo excessive consolidation under heavy loading. All earth foundation surfaces on which fill is to be placed shall be scarified, or moistened and compacted, prior to spreading the first course of fill material.

(b) A program of soil sampling and testing adequate to determine the characteristics of the foundation material that will support the proposed perimeter dike and the material to be used to construct the perimeter dike.

(c) The crest of the perimeter dike shall be graded toward the inside slope or the outside slope. Both inside and outside slopes shall not be steeper than two and one-half (2.5) horizontal to one (1.0) vertical (2.5H:1V). A liner shall be constructed on the inside slope of the perimeter dike and be suitably connected to the remainder of the liner system to provide seepage control.

(d) The freeboard of an above-grade perimeter dike shall not be less than five (5) feet unless a freeboard of less than five (5) feet is justified based on results of seepage and stability analysis and wave run-up analysis. In no event shall the freeboard of an above-grade perimeter dike be less than three (3) feet.

(e) A stability analysis shall be performed taking into consideration the minimum fluid level as well as the fluid level at the freeboard on the upstream slope of the perimeter dike and possible fluctuations of the tailwater level. When applicable, the stability analysis will include a seepage or flow net analysis.

(f) The following minimum safety factors will be used for perimeter dikes: 1.75 for horizontal shear at base of fill; 1.5 for horizontal shear within the fill due to seepage through the outer face; 1.5 for horizontal shear or circular arc failure through the foundation soils; 1.5 for protection against shear failure of any circular arc in either inside or outside slope. In determining design safety factors, water pressure distribution must be addressed.

(g) A seismic stability analysis shall be performed.

(h) Appropriate quality control and quality assurance standards, specifications, and procedures for perimeter dike construction shall be implemented.

(45) Any lateral expansion must be constructed in accordance with the same requirements as a new phosphogypsum stack. Except for incidental deposits of phosphogypsum entrained in the process wastewater, or conditioned phosphogypsum used as a cushion layer against rock slope, placement of phosphogypsum outside the phosphogypsum stack footprint is considered a lateral expansion ~~and.~~

~~(5) A groundwater monitoring plan.~~

(6) The design and construction plan submitted to the department must contain a process for notification and department approval of deviations from the approved design and construction plan.

SECTION 6. That Section 39-176F, Idaho Code, be, and the same is hereby amended to read as follows:

39-176F. PLAN -- APPROVAL OR REJECTION BY DEPARTMENT. (1) Upon receipt by the department of environmental quality of a design and construction plan submitted by an operator, the department shall have ninety (90) days to review the plan.

(2) Upon determination by the department that a design and construction plan submitted by an operator meets the requirements of this section, the department shall deliver to the operator, in writing, a notice of approval of such plan, and thereafter said plan shall govern and determine the nature and extent of the obligations of the operator for compliance with sections 39-176A through 39-176F, Idaho Code, with respect to the phosphogypsum stack system for which the plan was submitted.

(3) If the department determines that a design and construction plan fails to fulfill the requirements of this section, it shall deliver to the operator, in writing, a notice of rejection of the plan and shall set forth in said notice of rejection the reasons for such a finding. Upon receipt of said notice of rejection, the operator may submit amended plans within forty-five (45) days. The department shall have sixty (60) days to review an amended plan. Upon further determination by the department that the amended plan does not fulfill the provisions of sections 39-176A through 39-176F, Idaho Code, it shall deliver to the operator, in writing, a notice of rejection of the amended plan in the same manner as provided for rejection of the original plan.

(4) A notice of rejection may be appealed by the operator to the board.

(5) The time periods in this section may be adjusted if agreed to by both the department and the operator.

(6) A construction completion report shall be submitted to the department within ninety (90) days of completion of construction activities. The report shall include final record drawings and conformance of construction to the approved design and construction plan, including construction quality control plans for phosphogypsum stack components.

(7) ~~The board may require a fee sufficient for the~~ operator shall pay the following fees for the department review and approval of plans and associated documents required by this section-:

(a) Fifteen thousand dollars (\$15,000) for a review of a new phosphogypsum stack system;

(b) Ten thousand dollars (\$10,000) for a review of a horizontal or vertical phosphogypsum expansion;

(c) Five thousand dollars (\$5,000) for a review of the placement of an intermediate liner; and

(d) Two thousand five hundred dollars (\$2,500) for a review of a phosphogypsum stack component.

Approved April 16, 2021

CHAPTER 247
(H.B. No. 264)

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5208, IDAHO CODE, TO REMOVE PROVISIONS REGARDING FACILITIES FUNDS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. 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%)
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Fiscal Year 2015	Thirty Percent (30%)
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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 enrolled 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 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 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 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 16, 2021

CHAPTER 248
(H.B. No. 265)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1006, IDAHO CODE, TO PROVIDE FOR THE STATE SHARE OF THE TRANSPORTATION SUPPORT PROGRAM FOLLOWING AN EMERGENCY, TO PROVIDE FOR REIMBURSABLE COSTS DURING AN EMERGENCY, 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 33-1006, Idaho Code, be, and the same is hereby amended to read as follows:

33-1006. TRANSPORTATION SUPPORT PROGRAM. (1) The state board of education shall determine what costs of transporting pupils, including maintenance, operation and depreciation of basic vehicles, insurance, payments under contract with other public transportation providers whose vehicles used to transport pupils comply with federal transit administration regulations, "bus testing," 49 CFR part 665, and any revision thereto, as provided in subsection (4)(d) of this section, or other state department of education-approved private transportation providers, salaries of

drivers, and any other costs, shall be allowable in computing the transportation support program of school districts.

(2) Any costs associated with the addition of vehicle features that are not part of the basic vehicle shall not be allowable in computing the transportation support program of school districts. A basic vehicle is hereby defined as the cost of the vehicle without optional features, plus the addition of essential safety features and features necessary for the transportation of pupils with disabilities.

(3) Each school district shall maintain records and make reports as are required for the purposes of this section.

(4) The transportation support program of a school district shall be based upon the allowable costs of:

(a) Transporting public school pupils one and one-half (1 1/2) miles or more to school;

(b) Transporting pupils less than one and one-half (1 1/2) miles as provided in section 33-1501, Idaho Code, when approved by the state board of education;

(c) Payments when transportation is not furnished, as provided in section 33-1503, Idaho Code;

(d) The transportation program for grades 6-12, upon the costs of payments pursuant to a contract with other public or private transportation providers entered into as provided in section 33-1510, Idaho Code, if the school district establishes that the reimbursable costs of transportation under the contract are equal to or less than the costs for school buses;

(e) The employer's share of contributions to the public employee retirement system and to social security; and

(f) Providing transportation to and from approved school activities as may be approved by the rules of the state board of education.

(5) The state's share of the transportation support program shall be fifty percent (50%) of reimbursable transportation costs of the district incurred during the immediately preceding state fiscal year, except for the cost of state department of education training and fee assessments and bus depreciation and maintenance, for which the state's share shall be eighty-five percent (85%) of such costs. For school districts that contract for pupil transportation services, the state's share shall be the average state share of costs for district-run operations, based on the statewide total of such costs. Provided however, that the reimbursable costs for any school district shall not exceed one hundred three percent (103%) of the statewide average reimbursable cost per mile or the state average reimbursable cost per student rider, whichever is more advantageous to the school district. If a school district's costs exceed the one hundred three percent (103%) limit when computed by the more advantageous of the two (2) methods, that school district shall be reimbursed at the appropriate percentage designated by this subsection, multiplied by the maximum limit for whichever method is more favorable to the school district. A school district may appeal the application of the one hundred three percent (103%) limit on reimbursable costs to the state board of education, which may establish for that district a new percentile limit for reimbursable costs compared to the statewide average, which is higher than one hundred three percent (103%). In doing so, the state board of education may set a new limit that is greater than one hundred three percent (103%), but is less than the percentile limit requested by the school district. However, the percentage increase in the one hundred three percent (103%) cap shall not exceed the percentage of the district's bus runs that qualify as a hardship bus run, pursuant to this subsection. Any costs above the new level established by the state board of education shall not be reimbursed. Such a change shall only be granted by the state board of education for hardship bus runs. To qualify as a hardship bus run, such bus run shall meet at least two (2) of the following criteria:

- (a) The number of student riders per mile is less than fifty percent (50%) of the statewide average number of student riders per mile;
- (b) Less than a majority of the miles on the bus run are by paved surface, concrete or asphalt road;
- (c) Over ten percent (10%) of the miles driven on the bus run are a five percent (5%) slope or greater.

(6) Beginning on July 1, 2005, any eligible home-based public virtual school may claim transportation reimbursement for the prior fiscal year's cost of providing educational services to students. In order to be eligible, such a school shall have at least one (1) average daily attendance divisor, pursuant to section 33-1002, Idaho Code, that is greater than the median divisor shown for any category of pupils, among the actual divisors listed. For the purposes of paragraphs (a), (b) and (c) of this subsection (6), "education provider" means the home-based public virtual school or an entity that has legally contracted with the home-based public virtual school to supply education services. Reimbursable costs shall be limited to the costs of:

- (a) Providing an internet connection service between the student and the education provider, not including the cost of telephone service;
- (b) Providing electronic and computer equipment used by the student to transmit educational material between the student and the education provider;
- (c) Providing a toll-free telephone service for students to communicate with the education provider;
- (d) Providing education-related, face-to-face visits by representatives of the home-based public virtual school, with such reimbursements limited to the mileage costs set for state employee travel by the state board of examiners; and
- (e) Any actual pupil transportation costs that would be reimbursable if claimed by a school district.

The total reimbursement for such home-based public virtual schools shall be exempt from the statewide average cost per mile limitations of this section. The state's share of reimbursable costs shall be eighty-five percent (85%), subject to the statewide cost per student rider provisions of this section. For the purposes of such home-based public virtual school, the number of student riders shall be the same as the number of pupils in average daily attendance.

(7) The state department of education shall calculate the amount of state funds lost in fiscal year 2010 by each school district as a result of the decrease in the state reimbursement from eighty-five percent (85%) to fifty percent (50%) of certain eligible costs, including the reduction calculated for districts that contract for pupil transportation services, and excluding any reductions made due to the limitation on reimbursable expenses, all pursuant to subsection (5) of this section. The amount so calculated shall be distributed to each school district in fiscal year 2010. For each fiscal year thereafter, the amount distributed pursuant to this subsection ~~(7)~~ for each school district shall be determined as follows:

- (a) Divide the amount distributed to the district pursuant to this subsection ~~(7)~~ in fiscal year 2010 by the district's support units for fiscal year 2010;
- (b) Multiply the result of the calculation found in ~~subsection (7)~~ paragraph (a) of this subsection by the number of support units in the current fiscal year;
- (c) Determine the percentage change in statewide transportation reimbursements as provided for in subsection (5) of this section since fiscal year 2010;
- (d) Determine the percentage change in statewide student enrollment since fiscal year 2010;

(e) Subtract the result of the calculation found in ~~subsection (7) paragraph~~ (d) of this subsection from the result of the calculation found in ~~subsection (7) paragraph~~ (c) of this subsection;

(f) Adjust the result of the calculation found in ~~subsection (7) paragraph~~ (b) of this subsection by the percentage result from ~~subsection (7) paragraph~~ (e) of this subsection.

For school districts divided after fiscal year 2010, the calculation in ~~subsection (7) paragraph~~ (a) of this subsection shall still be based on the fiscal year 2010 figures for the formerly consolidated district. For public charter schools beginning operations on or after July 1, 2009, all calculations in this subsection ~~(7)~~ that are based on fiscal year 2010 shall instead be based on the public charter school's first fiscal year of operations. For the purposes of this subsection ~~(7)~~, the support units used shall be the number used for calculating salary-based apportionment. Funds distributed pursuant to this subsection ~~(7)~~ shall be used to defray the cost of pupil transportation. If the amount distributed is in excess of a school district's actual pupil transportation costs, less any state reimbursements provided by subsection (5) of this section, the excess funds may be used at the school district's discretion.

(8) The total moneys paid to school districts and public charter schools for eligible transportation costs shall be reduced by a proportionate amount to equal seven million five hundred thousand dollars (\$7,500,000) and shall be used as discretionary spending.

(9) Notwithstanding the provisions of subsection (5) of this section, the state's share of the transportation support program will be based on reimbursable transportation costs incurred by a school district during the state fiscal year prior to the immediately preceding state fiscal year if, during the immediately preceding state fiscal year:

(a) An emergency occurred in the state or in the area where the school district is located. For purposes of this subsection, an emergency includes but is not limited to school closures caused by extreme weather conditions, a fire, an epidemic, or pollution of air or water; and

(b) As a direct result of such emergency, the reimbursable transportation costs of a school district decreased by at least ten percent (10%) from the prior fiscal year.

(10) Notwithstanding any provisions of law to the contrary, for the duration of an emergency described in subsection (9) of this section, the miles for which transportation costs may be reimbursed will be miles:

(a) Directly associated with transporting students for the purpose of school attendance during regular days and hours; or

(b) Related to the delivery of food, delivery of instructional materials, or other trips supporting the continuation of educational services.

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, 2020.

Approved April 16, 2021

CHAPTER 249
(H.B. No. 286)

AN ACT

RELATING TO PUBLIC SHOOTING RANGES; AMENDING SECTION 19-4705, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF CERTAIN FINES AND FORFEITURES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 36-418, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 19-4705, Idaho Code, be, and the same is hereby amended to read as follows:

19-4705. PAYMENT OF FINES AND FORFEITURES -- SATISFACTION OF JUDGMENT -- DISPOSITION -- APPORTIONMENT. (1) Except as otherwise provided in subsection (2) of this section:

(a) All fines and forfeitures collected pursuant to the judgment of any court of the state shall be remitted to the court in which the judgment was rendered. The judgment shall then be satisfied by entry in the docket of the court. The clerk of the court shall daily remit all fines and forfeitures to the county auditor who shall at the end of each month apportion the proceeds according to the provisions of this chapter. Other existing laws regarding the disposition of fines and forfeitures are hereby repealed to the extent such laws are inconsistent with the provisions of this chapter except as provided in section 49-1013(5), Idaho Code.

(b) Fines and forfeitures remitted for violations of fish and game laws shall be apportioned two and one-half percent (2 1/2%) to the state treasurer for deposit in the state general fund, ten percent (10%) to the search and rescue account, twenty-two and one-half percent (22 1/2%) to the district court fund and sixty-five percent (65%) to the ~~fish and game fund~~ public shooting range fund as provided in section 36-418, Idaho Code.

(c) Fines and forfeitures remitted for violations of state motor vehicle laws, for violation of state driving privilege laws, and for violation of state laws prohibiting driving while under the influence of alcohol, drugs or any other intoxicating substances, shall be apportioned ten percent (10%) to the state treasurer, of which eighty-six percent (86%) shall be deposited to the state general fund and fourteen percent (14%) shall be deposited to the peace officers standards and training fund authorized in section 19-5116, Idaho Code, forty-five percent (45%) to the state treasurer for deposit in the highway distribution account, twenty-two and one-half percent (22 1/2%) to the district court fund and twenty-two and one-half percent (22 1/2%) to the state treasurer for deposit in the public school income fund; provided, however, that fines and forfeitures remitted for violation of state motor vehicle laws, for violation of state driving privilege laws, and for violation of state laws prohibiting driving while under the influence of alcohol, drugs or any other intoxicating substances, where an arrest is made or a citation is issued by a city law enforcement official, or by a law enforcement official of a governmental agency under contract to provide law enforcement services for a city, shall be apportioned ten percent (10%) to the state treasurer, of which eighty-six percent (86%) shall be deposited to the state general fund and fourteen percent (14%) shall be deposited to the peace officers standards and training fund authorized in section 19-5116, Idaho Code, and ninety percent (90%) to the city whose officer made the arrest or issued the citation.

(d) Fines and forfeitures remitted for violation of any state law not involving fish and game laws, or motor vehicle laws, or state driving privilege laws, or state laws prohibiting driving while under the influence of alcohol, drugs or any other intoxicating substances, shall be apportioned ten percent (10%) to the state treasurer, of which eighty-six percent (86%) shall be deposited to the state general fund and fourteen percent (14%) shall be deposited to the peace officers standards and training fund authorized in section 19-5116, Idaho Code, and ninety percent (90%) to the district court fund of the county in which the violation occurred.

(e) Fines and forfeitures remitted for violation of county ordinances shall be apportioned ten percent (10%) to the state treasurer, of which eighty-six percent (86%) shall be deposited to the state general fund and fourteen percent (14%) shall be deposited to the peace officers standards and training fund authorized in section 19-5116, Idaho Code, and ninety percent (90%) to the district court fund of the county whose ordinance was violated.

(f) Fines and forfeitures remitted for violation of city ordinances shall be apportioned ten percent (10%) to the state treasurer, of which eighty-six percent (86%) shall be deposited to the state general fund and fourteen percent (14%) shall be deposited to the peace officers standards and training fund authorized in section 19-5116, Idaho Code, and ninety percent (90%) to the city whose ordinance was violated.

(g) Fines and forfeitures remitted for violations not specified in this chapter shall be apportioned ten percent (10%) to the state treasurer, of which eighty-six percent (86%) shall be deposited to the state general fund and fourteen percent (14%) shall be deposited to the peace officers standards and training fund authorized in section 19-5116, Idaho Code, and ninety percent (90%) to the district court fund of the county in which the violation occurred except in cases where a duly designated officer of any city police department or city law enforcement official shall have made the arrest for any such violation, in which case ninety percent (90%) shall be apportioned to the city whose officer made the arrest.

(h) Fines and forfeitures remitted for violations involving registrations of motorcycles or motor-driven cycles used off highways, snowmobiles, or use of winter recreation parking areas shall be apportioned ten percent (10%) to the state treasurer, of which eighty-six percent (86%) shall be deposited to the state general fund and fourteen percent (14%) shall be deposited to the peace officers standards and training fund authorized in section 19-5116, Idaho Code, and ninety percent (90%) to the general fund of the county or city whose law enforcement official issued the citation.

(i) Fines and forfeitures remitted for violations of overweight laws as provided in section 49-1013(3), Idaho Code, shall be deposited one hundred percent (100%) into the highway distribution account.

(j) Fines remitted for violations of section 18-7008, Idaho Code, shall be apportioned ten percent (10%) to the district court fund, sixty-five percent (65%) to the county where the trespass occurred for appropriation to the sheriff's office, and twenty-five percent (25%) to the Idaho rangeland resources commission for expanded education programs regarding private property rights and land user responsibility.

(2) Any fine or forfeiture remitted for any misdemeanor violation for which an increase in the maximum fine became effective on or after July 1, 2005, shall be apportioned as follows:

(a) Any funds remitted, up to the maximum amount that could have been imposed before July 1, 2005, as a fine for the misdemeanor violation, shall be apportioned according to the applicable provisions of subsection (1) of this section; and

(b) Any other funds remitted, in excess of the maximum amount that could have been imposed before July 1, 2005, as a fine for the misdemeanor violation, shall be remitted to the state treasurer and shall be deposited in the drug court, mental health court and family court services fund as set forth in section 1-1625, Idaho Code.

(3) As used in this section, the term "city law enforcement official" shall include an official of any governmental agency ~~which is~~ providing law enforcement services to a city in accordance with the terms of a contract or agreement, when such official makes the arrest or issues a citation within the geographical limits of the city and when the contract or agreement provides for payment to the city of fines and forfeitures resulting from such service.

SECTION 2. That Section 36-418, Idaho Code, be, and the same is hereby amended to read as follows:

36-418. PUBLIC SHOOTING RANGE FUND. (1) It is the intent of the legislature that public shooting ranges shall be established and preserved throughout the state for the training and enjoyment of the citizens.

(2) The state public shooting range fund is hereby established. The commission shall administer the fund and shall annually prepare a report to the legislature detailing the revenues and expenditures of the fund.

(3) The fund shall consist of:

(a) Fines and forfeitures remitted for violations of fish and game laws pursuant to section 19-4705 (1) (b), Idaho Code;

(b) Revenues, unless otherwise prohibited by law, derived from the sale or lease of real property owned by the commission and acquired for or used for the purpose of providing public shooting ranges and moneys received from the sale of goods and services from commission-owned shooting ranges;

(c) Gifts, grants, or other contributions; and

(d) Such other funds as the legislature shall appropriate.

(4) Moneys in the fund are continuously appropriated and shall be used for purposes enumerated in this chapter. Interest earned on moneys in the fund shall be credited to the fund.

(5) The commission shall determine the amount available to distribute under this section, the distributions, and the recipients. Distributions from the fund may be made to shooting ranges open to the public and operated by government or nonprofit entities for the following purposes:

(a) Shooting range engineering and studies;

(b) Noise abatement;

(c) Safety enhancement;

(d) Shooting range design;

(e) New shooting range sites and construction;

(f) Shooting range relocation; and

(g) Other projects that are necessary to enhance or preserve a shooting range under good practices and management.

(6) The director shall appoint a committee to act in an advisory capacity to the department on matters relating to evaluation of applications for grants to be awarded from the public shooting range fund according to the purposes enumerated in this section. The committee shall include representation by active recreational shooters.

Approved April 16, 2021

CHAPTER 250
(H.B. No. 307)

AN ACT

RELATING TO IRRIGATION; REPEALING SECTION 42-1101, IDAHO CODE, RELATING TO THE RIGHTS OF LANDOWNERS TO WATER; AMENDING SECTION 42-1102, IDAHO CODE, TO REVISE RIGHT-OF-WAY PROVISIONS; AND AMENDING SECTION 42-1204, IDAHO CODE, TO REVISE RIGHT-OF-WAY PROVISIONS.

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

SECTION 1. That Section 42-1101, Idaho Code, be, and the same is hereby repealed.

SECTION 2. 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. (1) 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 a ditch, canal, or conduit to convey water to the place of use for the purposes of irrigation.

(2) The right-of-way for a ditch, canal, or other conduit shall include, but is not limited to, the reasonable exercise of the following rights:

(a) The right to enter the land across which the right-of-way extends for the purposes of accessing, inspecting, operating, cleaning, maintaining, and repairing the ditch, canal or conduit, embankments, and irrigation structures, and to occupy such width of the land along the banks of the ditch, canal or conduit, and embankments as is necessary to properly do the perform such 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.

(b) The right-of-way also includes the right to remove from and to deposit on the banks of the ditch or canal, conduit, embankments, and irrigation structures the debris, soil, vegetation, and other matter necessarily required to be taken from the ditch, canal, or right-of-way material the ditch, canal, or conduit owner or operator reasonably deems necessary to properly access, inspect, operate, clean, and maintain, and repair them, but. The owner or operator has the right and discretion to transport the material from the right-of-way, to utilize the material for reconstruction, repair, or maintenance of the ditch, canal, conduit, embankments, irrigation structures, and related roads and access areas, and to deposit and leave the material within the right-of-way, provided that the deposits occupy no greater width of land along the banks of the canal or ditch, canal, conduit, and embankments than is absolutely reasonably 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

(c) The right to occupy the right-of-way during any season of the year to perform the work of operating, cleaning, maintaining, and repairing the ditch, canal, conduit, embankments, and irrigation structures, without prior notice to the owner or occupant of the land across which the right-of-way extends.

(d) 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.

(3) 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.

(4) 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.

(5) 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 or operator 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 or operator 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 or operator 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.

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

SECTION 3. 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, constructors, or operators 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, owners, or operators of any irrigating ditch, canal, works or other aqueduct. The owners, constructors, or operators 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, owners, or operators 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, owners, or operators 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, constructor, or operator of a ditch, canal, works or other aqueduct may assert in a civil action. The owners, constructors, or operators have the right to enter the land across which the right-of-way extends, for the purposes of necessary cleaning, maintaining and repairing the ditch, canal ~~or~~, conduit, and embankments, and to occupy such width of the land along the banks of the ditch, canal ~~or~~, conduit, and embankments, as is necessary to properly do the work of cleaning, maintaining and repairing the ditch, canal ~~or~~, conduit, and embankments, 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, canal, or from the right-of-way to properly clean and maintain 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~~ embankments of the ditch or canal as necessary 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. This section shall apply to ditches, canals, conduits, and embankments existing on the effective date of this act, as well as to ditches, canals, conduits, and embankments constructed or existing after such effective date.

Approved April 16, 2021

CHAPTER 251
(H.B. No. 343)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2022; 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, 2021, through June 30, 2022, for the purpose of a district judge and a court reporter:

FOR:

Personnel Costs	\$260,100
Operating Expenditures	<u>12,500</u>
TOTAL	\$272,600

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2022, 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, 2021, through June 30, 2022. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 16, 2021

CHAPTER 252
(H.B. No. 359)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2022; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2022; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; AND APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2022.

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind for the period July 1, 2021, through June 30, 2022:

FROM:

General Fund	\$11,575,400
School for the Deaf and the Blind Endowment Fund	<u>206,000</u>
TOTAL	\$11,781,400

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$11,575,400 from the General Fund to the Public School Income Fund for the period July 1, 2021, through June 30, 2022.

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind the following amounts to be expended from the listed funds for the period July 1, 2021, through June 30, 2022:

FROM:

Public School Income Fund	\$11,575,400
School for the Deaf and the Blind Endowment Fund	<u>206,000</u>
TOTAL	\$11,781,400

Approved April 16, 2021

CHAPTER 253
(S.B. No. 1186)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE TREASURER; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE TREASURER FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS REGARDING PAYMENT OF BANK SERVICE FEES; REDUCING THE APPROPRIATION TO THE OFFICE OF THE STATE TREASURER FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE TREASURER FOR FISCAL YEAR 2021; PROVIDING REQUIREMENTS REGARDING CAPITOL FURNITURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Office of the State Treasurer the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$966,900	\$488,300	\$1,455,200
State Treasurer LGIP			
Fund	192,000	133,000	325,000
Treasurer's Office - Professional Services			
Fund	661,700	573,500	1,235,200
Idaho Millennium Income			
Fund		80,000	80,000
Abandoned Property Trust - Unclaimed Property			
Fund	<u>837,900</u>	<u>424,400</u>	<u>1,262,300</u>
TOTAL	\$2,658,500	\$1,699,200	\$4,357,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Treasurer is authorized no more than twenty-six (26.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. PAYMENT OF BANK SERVICE FEES. Of the amount appropriated in Section 1 of this act, no more than \$406,600 from the General Fund and \$221,700 from the Professional Services Fund may be used for the payment of bank service fees for the period July 1, 2021, through June 30, 2022.

SECTION 4. Notwithstanding any other provision of law to the contrary, the appropriation made to the Office of the State Treasurer in Section 1 of House Bill No. 114, as enacted by the First Regular Session of the Sixty-sixth Idaho Legislature, from the General Fund is hereby reduced by \$196,000 for operating expenditures for the period July 1, 2020, through June 30, 2021, for payment card industry compliance.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 256, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Treasurer \$75,000 from the General Fund to be expended for operating expenditures for the period July 1, 2020, through June 30, 2021, for office relocation costs.

SECTION 6. CAPITOL FURNITURE. Notwithstanding the provisions of Section 67-1608(4), Idaho Code, and any other provision of law to the contrary, the Office of the State Treasurer is permitted to relocate any office furniture identified by the Speaker of the House of Representatives or his designees.

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

Approved April 16, 2021

CHAPTER 254
(S.B. No. 1175)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS; PROVIDING REAPPROPRIATION AUTHORITY; AND DIRECTING AN ADJUSTMENT FOR STUDENT TUITION AND FEES FOR FISCAL YEAR 2022.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. WIMU VETERINARY EDUCATION:					
FROM:					
General					
Fund	\$619,400	\$1,539,400			\$2,158,800
Restricted					
Fund	<u>0</u>	<u>0</u>		\$100,000	<u>100,000</u>
TOTAL	\$619,400	\$1,539,400		\$100,000	\$2,258,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. WWAMI MEDICAL EDUCATION:					
FROM:					
General					
Fund	\$1,685,800	\$447,800		\$4,745,800	\$6,879,400
III. IDAHO DENTAL EDUCATION PROGRAM:					
FROM:					
General					
Fund	\$269,500			\$1,491,000	\$1,760,500
Unrestricted					
Fund	<u>219,100</u>	<u>\$25,800</u>	<u>\$5,500</u>	<u>0</u>	<u>250,400</u>
TOTAL	\$488,600	\$25,800	\$5,500	\$1,491,000	\$2,010,900
IV. UNIVERSITY OF UTAH MEDICAL EDUCATION:					
FROM:					
General					
Fund				\$2,446,600	\$2,446,600
V. FAMILY MEDICINE RESIDENCIES:					
FROM:					
General					
Fund	\$1,952,100	\$321,600		\$3,750,000	\$6,023,700
VI. BOISE INTERNAL MEDICINE:					
FROM:					
General					
Fund				\$895,000	\$895,000
VII. PSYCHIATRY EDUCATION:					
FROM:					
General					
Fund				\$837,800	\$837,800
VIII. EASTERN IDAHO MED RESIDENCIES:					
FROM:					
General					
Fund				\$2,165,000	\$2,165,000
GRAND TOTAL	\$4,745,900	\$2,334,600	\$5,500	\$16,431,200	\$23,517,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs specified in this section is authorized no more than the number of full-time equivalent positions shown at any point during the period July 1, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

WIMU Veterinary Education	6.38
WWAMI Medical Education	13.72
Idaho Dental Education Program	3.25
University of Utah Medical Education	0.00
Family Medicine Residencies	16.30
Boise Internal Medicine	0.00
Psychiatry Education	0.00
Eastern Idaho Medical Residencies	0.00
Bingham Internal Medicine	0.00

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. The State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs are hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for dedicated fund moneys appropriated for the period July 1, 2021, through June 30, 2022. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs any unexpended and unencumbered balances appropriated or reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs from dedicated funds for fiscal year 2021 to be used for nonrecurring expenditures for the period July 1, 2021, through June 30, 2022. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. STUDENT TUITION AND FEES FOR FISCAL YEAR 2022. Notwithstanding the provisions of Section 67-3516(2), Idaho Code, the Division of Financial Management may approve the expenditure of dedicated funds pursuant to the noncognizable process for student tuition and fees during fiscal year 2022. Each of the programs' budget requests for fiscal year 2023 shall reflect all adjustments so approved by the Division of Financial Management.

Approved April 16, 2021

CHAPTER 255
(S.B. No. 1110)

AN ACT

RELATING TO BALLOT INITIATIVES AND REFERENDUM; AMENDING SECTION 34-1805, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE NUMBER OF SIGNATURES REQUIRED TO SIGN A PETITION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-1805, Idaho Code, be, and the same is hereby amended to read as follows:

34-1805. SPONSORS TO PRINT PETITION -- NUMBER OF SIGNERS REQUIRED. (1) After the form of the initiative or referendum petition has been approved by the secretary of state as provided in sections 34-1801A through 34-1822, Idaho Code, ~~provided,~~ the same shall be printed by the person or persons or organization or organizations under whose authority the measure is to be referred or initiated and circulated in the several counties of the state for the signatures of legal voters.

(2) Before such petitions shall be entitled to final filing and consideration by the secretary of state, there shall be affixed thereto the signatures of legal voters equal in number to not less than six percent (6%) of the qualified electors at the time of the last general election in each of ~~at least eighteen (18)~~ the thirty-five (35) legislative districts; ~~provided however, the total number of signatures shall be equal to or greater than six percent (6%) of the qualified electors of the state at the time of the last general election.~~

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 April 17, 2021

CHAPTER 256
(H.B. No. 266)

AN ACT

RELATING TO WATER; AMENDING TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 43, TITLE 42, IDAHO CODE, TO PROVIDE FOR CLOUD SEEDING, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE A TERM AND TO PROVIDE EXCEPTIONS, TO PROVIDE FOR PROGRAMS AND CONTRACTING, TO PROVIDE FOR THE USE OF STATE FUNDS, TO PROVIDE FOR DISTRIBUTION OF WATER GENERATED THROUGH CLOUD SEEDING, TO PROHIBIT CERTAIN CLAIMS OF LIABILITY, AND TO PROVIDE THAT CERTAIN PERMITS SHALL NOT BE REQUIRED.

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

SECTION 1. That Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 43, Title 42, Idaho Code, and to read as follows:

CHAPTER 43
CLOUD SEEDING

42-4301. CLOUD SEEDING. (1) The legislature finds that:

(a) Idaho's economy and the welfare of its citizens depend upon a reliable and sustainable water supply. It is essential, therefore, that the state continues to identify, develop, and implement projects that augment and sustain the state's water resources.

(b) The cloud seeding program developed and implemented by the Idaho water resource board, in cooperation with interested stakeholders, presents a unique and innovative opportunity to augment and sustain the water resources of the state.

(c) Augmenting water supplies through cloud seeding is in the public interest. Public benefits of cloud seeding include drought mitigation, protection of water rights, protection of municipal and business activities dependent on water, water quality, recreation, and fish and wildlife.

(d) Data accumulated and analysis undertaken since the initiation of the cloud seeding program demonstrates that cloud seeding has resulted in an annual increase in the water supplies in the basins in which cloud seeding has been performed. However, additional research and analysis is necessary to determine the precise nature and extent of those increases. The legislature recommends that such research be continued as the cloud seeding program progresses and that annual reports on such research be provided to the legislature.

(e) The legislature recognizes that expansion of the cloud seeding program may benefit basins throughout the state that experience depleted or insufficient water supplies, and the legislature recommends that the water resource board complete an assessment of basins and work with affected stakeholders to implement the cloud seeding program in basins that would benefit from the program.

(2) As used in this chapter, "cloud seeding" means all acts undertaken to artificially distribute or create nuclei in cloud masses for the purposes of inducing precipitation, cloud forms, or other meteorological parameters. Cloud seeding for the suppression of fog and frost prevention measures for the protection of orchards and crops are excluded from the coverage of this chapter.

(3) The water resource board shall authorize, and may sponsor or develop, local or statewide cloud seeding programs and may contract any individual or organization for consultation and assistance in developing cloud seeding programs or in furthering research related to cloud seeding.

(4) State funds may be used or expended on cloud seeding programs only in basins where the water resource board finds that existing water supplies are not sufficient to support existing water rights, water quality, recreation, or fish and wildlife uses dependent on those water supplies. Water generated through cloud seeding shall be distributed in accordance with the prior appropriation doctrine.

(5) The act of cloud seeding pursuant to a project funded in whole or in part by the state of Idaho or authorized by the state water resource board shall not be the basis of any claim of liability, including but not limited to trespass or public or private nuisance, and shall not require any state or local permits.

Approved April 16, 2021

CHAPTER 257
(S.B. No. 1139)

AN ACT

RELATING TO HEALTH AND WELFARE; AMENDING SECTION 56-1001, IDAHO CODE, TO DEFINE TERMS, TO REVISE DEFINITIONS, AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 56-1003, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE.

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

SECTION 1. That Section 56-1001, Idaho Code, be, and the same is hereby amended to read as follows:

56-1001. DEFINITIONS. Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context, the following terms shall have the following meanings:

(1) "Biological agent" means a bacterium, virus, fungus, protozoan, parasite, or other microorganism and associated toxins with the ability to adversely affect human health or cause death.

(2) "Board" means the board of health and welfare as created in section 56-1005, Idaho Code.

(3) "Chemical agent" means any chemical that through its chemical action on life processes can cause death, temporary incapacitation, or permanent harm to humans or animals.

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

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

(46) ~~"Isolation" means the separation of infected persons, or of persons suspected to be infected, from other persons to such places, under such conditions, and for such time as will prevent transmission of the infectious agent~~ a person diagnosed with an infectious or a communicable disease, presenting medically unknown symptoms, or contaminated from a chemical, nuclear, or biological agent for a period of time limited to when the person is infectious, displaying medically unknown symptoms, or contaminated.

(57) "Laboratory" means not only facilities for biological, serological, biophysical, cytological and pathological tests, but also facilities for the chemical or other examination of materials from water, air or other substances.

(8) "Medically unknown symptoms" means symptoms that are or could be suggestive of an infectious or communicable disease and that do not sufficiently reveal the structural or other specified pathology of an illness on initial examination.

(69) "Person" means any individual, association, partnership, firm, joint stock company, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any other legal entity ~~which is~~ recognized by law as the subject of rights and duties.

(710) "Public swimming pool" means an artificial structure, and its appurtenances, ~~which that~~ contains water more than two (2) feet deep ~~which that~~ is used or intended to be used for swimming or recreational bathing, and ~~which that~~ is for the use of any segment of the public pursuant to a general invitation but not an invitation to a specific occasion or occasions. The term does not include a swimming pool operated solely for and in conjunction with a hotel, motel or other place of lodging, or a trailer park, apartment, condominium or any other residential facility containing multiple dwellings.

~~(811) "Quarantine" means the restriction placed on the entrance to and exit from the place or premises where an infectious agent or hazardous material exists. separation of a person exposed to:~~

~~(a) An infectious or a communicable disease;~~

~~(b) Another person displaying medically unknown symptoms; or~~

~~(c) Another person exposed to contamination from a chemical, nuclear, or biological agent;~~

~~under circumstances likely to result in the spread of the disease, symptoms, or contaminant to the person who had such contact. The separation may last only for a reasonable period of time sufficient to determine whether or not the exposed person will become sick.~~

~~(12) "Restricted access" means limited or disallowed access to an area:~~

~~(a) That has been cordoned off;~~

~~(b) At which signs have been posted limiting or disallowing access; or~~

~~(c) To which entry or exit has in some other way been limited or blocked.~~

~~(913) "State" means the state of Idaho.~~

~~(104) "Substantive" means that which creates, defines or regulates the rights of any person or implements, interprets or prescribes law or policy, but does not include statements concerning only the internal management of the department and not affecting private rights or procedures available to the public.~~

SECTION 2. That Section 56-1003, Idaho Code, be, and the same is hereby amended to read as follows:

56-1003. POWERS AND DUTIES OF THE DIRECTOR. The director shall have the following powers and duties:

(1) All of the powers and duties of the department of public health, the department of health, the board of health and all nonenvironmental protection duties of the department of health and welfare are hereby vested to the director of the department of health and welfare. Provided, however, that oversight of the department and rulemaking and hearing functions relating to public health and licensure and certification standards shall be vested in the board of health and welfare. Except when the authority is vested in the board of health and welfare under law, the director shall have all such powers and duties as may have been or could have been exercised by his predecessors in law, including the authority to adopt, promulgate, and enforce rules, and shall be the successor in law to all contractual obligations entered into by predecessors in law. All rulemaking proceedings and hearings of the director shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(2) The director shall, pursuant and subject to the provisions of the Idaho Code, and the provisions of this chapter, ~~formulate~~ promulgate and recommend to the board rules, ~~codes and standards, as may be necessary to deal with problems~~ to administer statutes related to personal health, and licensure and certification requirements pertinent thereto, ~~which shall, upon adoption by the board, have the force of law relating to any purpose which may be necessary and feasible for enforcing the provisions of this chapter including, but not limited to, the maintenance and protection of personal health. Any such rule or standard~~ to health. Such rules may be of general application ~~throughout~~ across the state or may be limited ~~as to times, places, in time, place, and circumstances or conditions in order to make due allowance for variations therein as needed to address problems.~~

(3) The director, ~~under the rules, codes or standards adopted by him the board,~~ shall have the general supervision of the ~~promotion and protection of the life,~~ health and mental health welfare of the people of this state. The powers and duties of the director shall include, ~~but are not be limited to,~~ the following:

(a) The education of the people of this state using guidelines and recommendations for issues of health, safety, mental health, and wellness;

(b) The issuance of licenses and permits as prescribed by law and by the rules of the board;

(bc) The supervision and administration of laboratories and the supervision and administration of standards of tests for environmental pollution, chemical analyses and communicable diseases. The director may require that laboratories operated by any city, county, institution, person, firm or corporation for health or environmental purposes conform to standards set by the board of health and welfare and the board of environmental quality in rule;

(ed) The supervision and administration of a mental health program, which shall include services for the evaluation, screening, custody and treatment of the mentally ill and those persons suffering from a mental defect or mental defects, and services for the prevention of suicide;

(de) The enforcement of minimum standards of health, safety, and sanitation for all public swimming pools within the state as established in rule of the board;

(ef) The supervision and administration of the various schools, hospitals, and institutions that were the responsibility of the board of health;

(fg) The supervision and administration of services dealing with the problems of alcoholism including, but not limited to, the care and substance abuse, including but not limited to treatment and rehabilitation of persons suffering from alcoholism;

(gh) The establishment of liaison Communication and cooperation with other governmental departments, agencies and boards in order to effectively assist other governmental entities with the planning for the control of or abatement of health problems. All of the rules and standards adopted by the board shall apply to state institutions;

(hi) The supervision and administration of an emergency medical service program, including, but not limited to, assisting other governmental agencies and local governmental units, in providing first aid emergency medical services and for transportation of the sick and injured;

(ij) The supervision and administration of administrative units whose responsibility shall be to assist and encourage counties, cities, other governmental units, and industries in the control of and/or abatement of health problems; and

(jk) The enforcement of all laws, and rules, codes and standards relating to health.

(4) The director, when so designated by the governor, and any other time subject to the standard appropriations and approval process of the legislature, shall have the power to apply for, receive on behalf of the state, and utilize any federal aid, grants, gifts, gratuities, or moneys made available through the federal government.

(5) The director shall have the power to enter into and make contracts and agreements with any public agencies or municipal corporations for facilities, land, and equipment when such use will have a beneficial, recreational, or therapeutic effect or be in the best interest in carrying out the duties imposed upon the department.

The director shall also have the power to enter into contracts for the expenditure of state matching funds for local purposes. This subsection will constitute the authority for public agencies or municipal corporations to enter into such contracts and expend money for the purposes delineated in such contracts.

(6) The director is authorized to adopt an official seal to be used on appropriate occasions, in connection with the functions of the department or the board, and such seal shall be judicially noticed. Copies of any books, records, papers and other documents in the department shall be admitted in evidence equally with the originals thereof when authenticated under such seal.

(7) The director, under rules adopted by the board of health and welfare and approved by the legislature pursuant to section 67-5291, Idaho Code, and section 29, article III, of the constitution of the state of Idaho, shall have the power to impose and enforce orders of isolation, and quarantine, or restricted access to protect the public from the spread of infectious or communicable diseases or from contamination from chemical, nuclear, or biological agents, whether naturally occurring or propagated by criminal or terrorist act.

(a) An order of isolation may be issued only for a person diagnosed with an infectious or a communicable disease, presenting medically unknown symptoms, or contaminated from a chemical, nuclear, or biological agent and only while a person is infectious, displaying unknown symptoms, or contaminated.

(b) An order of quarantine may be issued only for a person exposed to:

(i) An infectious or a communicable disease;

(ii) A person displaying medically unknown symptoms; or

(iii) Contamination from a chemical, nuclear, or biological agent;

under circumstances likely to result in the spread of the disease, symptoms, or contaminant to the person who had such contact and only for a reasonable period of time sufficient to determine whether or not the exposed person will become sick.

(c) If the director has reasonable cause to believe a chemical, nuclear, or biological agent has been released in an identifiable place, including a building or structure, the director may impose an order of restricted access into or out of that place for the purpose of determining whether that place has been contaminated with a chemical, nuclear, or biological agent that may create a substantial and immediate danger to the public. An order of restricted access shall be effective only until such time as the contamination has been remediated and the area of restricted access has been determined to no longer pose an immediate health risk.

(d) An order of isolation, ~~or~~ quarantine, or restricted access issued pursuant to this section shall not be subject to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, but shall be a final agency action for purposes of subject to judicial review as a final agency order. However, this shall not prevent the director from reconsidering, amending, or withdrawing the order. Judicial review of orders of isolation ~~or~~, quarantine, or restricted access shall be de novo. The court may affirm, reverse, or modify the order and shall affirm the order if it appears the director shows by a preponderance of the clear and convincing evidence that the order is reasonably necessary to protect the public from a substantial and immediate danger of the spread of an infectious or communicable disease or from contamination by a chemical, nuclear, or biological agent. A hearing on a request for review pursuant to this paragraph shall be held as soon as practicable but no later than three (3) business days after the request is made. Notice of the request for review to the court must be provided to the director. The court may order the person who is the subject of or affected by the order of isolation, quarantine, or restricted access to appear remotely via technology approved by the Idaho supreme court. Upon conclusion of a hearing described in this subsection, the court conducting judicial review shall issue an order:

(i) Affirming or modifying the order of isolation, quarantine, or restricted access; or

(ii) Reversing the order and releasing an individual who is the subject of or affected by such order.

~~(b) If the director has reasonable cause to believe a chemical or biological agent has been released in an identifiable place, including a building or structure, an order of quarantine may be imposed to prevent the movement of persons into or out of that place, for a limited period of time, for the purpose of determining whether a person or persons at that place have been contaminated with a chemical or biological agent which may create a substantial and immediate danger to the public.~~

(ee) Any person who violates an order of isolation, or quarantine, or restricted access shall be guilty of a misdemeanor.

(8) The director shall develop safeguards necessary to ensure the security of nonpublic personal information in the department's possession and to prevent undue disclosure of such information. The director shall establish a process to authenticate requests made by a person, entity or jurisdiction arising under the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. In the event the department becomes aware of any improper disclosure, the director shall take all actions required under section 28-51-105, Idaho Code.

Approved April 20, 2021

CHAPTER 258
(H.B. No. 302)

AN ACT

RELATING TO ABORTION; AMENDING SECTION 18-604, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-608, IDAHO CODE, TO REVISE A PROVISION REGARDING ABORTIONS DEEMED NOT TO BE UNLAWFUL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-609, IDAHO CODE, TO PROVIDE THAT CERTAIN PRINTED MATERIAL REGARDING DOWN SYNDROME BE MADE AVAILABLE TO PHYSICIANS, HOSPITALS, OR OTHER FACILITIES PROVIDING ABORTION AND ABORTION-RELATED SERVICES; AMENDING SECTION 18-613, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 18-617, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 18-604, Idaho Code, be, and the same is hereby amended to read as follows:

18-604. DEFINITIONS. As used in this act:

(1) "Abortion" means the use of any means to intentionally terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child except that, for the purposes of this chapter, abortion shall not mean the use of an intrauterine device or birth control pill to inhibit or prevent ovulations, fertilization or the implantation of a fertilized ovum within the uterus.

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

(3) "Down syndrome" means a chromosomal disorder associated either with an extra chromosome 21, in whole or in part, or an effective trisomy for chromosome 21. Down syndrome is sometimes referred to as "trisomy 21."

(4) "Emancipated" means any minor who has been married or is in active military service.

(45) "Fetus" and "unborn child." Each term means an individual organism of the species hHomo sapiens from fertilization until live birth.

(56) "First trimester of pregnancy" means the first thirteen (13) weeks of a pregnancy.

(67) "Hospital" means an acute care, general hospital in this state, licensed as provided in chapter 13, title 39, Idaho Code.

(78) "Informed consent" means a voluntary and knowing decision to undergo a specific procedure or treatment. To be voluntary, the decision must be made freely after sufficient time for contemplation and without coercion by any person. To be knowing, the decision must be based on the physician's accurate and substantially complete explanation of:

(a) A description of any proposed treatment or procedure;

(b) Any reasonably foreseeable complications and risks to the patient from such procedure, including those related to reproductive health; and

(c) The manner in which such procedure and its foreseeable complications and risks compare with those of each readily available alternative to such procedure, including childbirth and adoption.

The physician must provide the information in terms ~~which~~ that can be understood by the person making the decision, with consideration of age, level of maturity and intellectual capability.

(89) "Medical emergency" means a condition ~~which~~ that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

(910) "Minor" means a woman ~~less than~~ under eighteen (18) years of age.

(101) "Pregnant" and "pregnancy." Each term shall mean the reproductive condition of having a developing fetus in the body and commences with fertilization.

(112) "Physician" means a person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state as provided in chapter 18, title 54, Idaho Code.

(123) "Second trimester of pregnancy" means that portion of a pregnancy following the thirteenth week and preceding the point in time when the fetus becomes viable, and there is hereby created a legal presumption that the second trimester does not end before the commencement of the twenty-fifth week of pregnancy, upon which presumption any licensed physician may proceed in lawfully aborting a patient pursuant to section 18-608, Idaho Code, in which case the same shall be conclusive and un rebuttable in all civil or criminal proceedings.

(134) "Third trimester of pregnancy" means that portion of a pregnancy from and after the point in time when the fetus becomes viable.

(145) Any reference to a viable fetus shall be construed to mean a fetus potentially able to live outside the mother's womb, albeit with artificial aid.

SECTION 2. That Section 18-608, Idaho Code, be, and the same is hereby amended to read as follows:

18-608. CERTAIN ABORTIONS PERMITTED -- CONDITIONS AND GUIDELINES. The provisions of sections 18-605 and 18-606, Idaho Code, shall not apply to and neither this act, nor other controlling rule of Idaho law, shall be deemed to make unlawful an abortion performed by a physician if:

(1) When performed upon a woman who is in the first trimester of pregnancy, the same is performed following the attending physician's consultation with the pregnant patient and a determination by the physician that such abortion is appropriate in consideration of such factors as in his medical judgment he deems pertinent, including, but not limited to physical,

emotional, psychological and/or familial factors, ~~that the child would be born with some physical or mental defect,~~ that the pregnancy resulted from rape, incest or other felonious intercourse, and a legal presumption is hereby created that all illicit intercourse with a girl below the age of sixteen (16) years shall be deemed felonious for purposes of this section, the patient's age and any other consideration relevant to her well-being or directly or otherwise bearing on her health and, in addition to medically diagnosable matters, including but not limited to such factors as the potential stigma of unwed motherhood, the imminence of psychological harm or stress upon the mental and physical health of the patient, the potential stress upon all concerned of an unwanted child or a child brought into a family already unable, psychologically or otherwise, to care for it, and/or the opinion of the patient that maternity or additional offspring probably will force upon her a distressful life and future; the emotional or psychological consequences of not allowing the pregnancy to continue, and the aid and assistance available to the pregnant patient if the pregnancy is allowed to continue; provided, in consideration of all such factors, the physician may rely upon the statements of and the positions taken by the pregnant patient, and the physician shall not be deemed to have held himself out as possessing special expertise in such matters nor shall he be held liable, civilly or otherwise, on account of his good faith exercise of his medical judgment, whether or not influenced by any such nonmedical factors. Abortions permitted by this subsection shall only be lawful if and when performed in a hospital or in a physician's regular office or a clinic, which office or clinic is properly staffed and equipped for the performance of such procedures and respecting which the responsible physician or physicians have made satisfactory arrangements with one (1) or more acute care hospitals within reasonable proximity thereof providing for the prompt availability of hospital care as may be required due to complications or emergencies that might arise.

(2) When performed upon a woman who is in the second trimester of pregnancy, the same is performed in a hospital and is, in the judgment of the attending physician, in the best medical interest of such pregnant woman, considering those factors enumerated in subsection (1) of this section and such other factors as the physician deems pertinent.

(3) When performed upon a woman who is in the third trimester of pregnancy, the same is performed in a hospital and, in the judgment of the attending physician, corroborated by a like opinion of a consulting physician concurring therewith, either is necessary for the preservation of the life of such woman or, if not performed, such pregnancy would terminate in birth or delivery of a fetus unable to survive. Third-trimester abortions undertaken for preservation of the life of a pregnant patient, as permitted by this subsection, shall, consistent with accepted medical practice and with the well-being and safety of such patient, be performed in a manner consistent with preservation of any reasonable potential for survival of a viable fetus.

SECTION 3. That Section 18-609, Idaho Code, be, and the same is hereby amended to read as follows:

18-609. PHYSICIANS AND HOSPITALS NOT TO INCUR CIVIL LIABILITY -- CONSENT TO ABORTION -- NOTICE. (1) Any physician may perform an abortion not prohibited by this act and any hospital or other facility described in section 18-608, Idaho Code, may provide facilities for such procedures without, in the absence of negligence, incurring civil liability therefor to any person including, but not limited to, the pregnant patient and the prospective father of the fetus to have been born in the absence of abortion, if informed consent for such abortion has been duly given by the pregnant patient.

(2) In order to provide assistance in assuring that the consent to an abortion is truly informed consent, the director of the department of health and welfare shall publish easily comprehended, nonmisleading and medically accurate printed material to be made available at no expense to physicians, hospitals or other facilities providing abortion and abortion-related services, and which shall contain the following:

(a) Descriptions of the services available to assist a woman through a pregnancy, at childbirth and while the child is dependent, including adoption services, a comprehensive list of the names, addresses, and telephone numbers of public and private agencies that provide such services and financial aid available;

(b) Descriptions of the physical characteristics of a normal fetus, described at two (2) week intervals, beginning with the fourth week and ending with the twenty-fourth week of development, accompanied by scientifically verified photographs of a fetus during such stages of development. The description shall include information about physiological and anatomical characteristics;

(c) Descriptions of the abortion procedures used in current medical practices at the various stages of growth of the fetus and any reasonable foreseeable complications and risks to the mother, including those related to subsequent childbearing;

(d) A list, compiled by the department of health and welfare, of health care providers, facilities and clinics that offer to perform ultrasounds free of charge and that have contacted the department annually with a request to be included in the list. The list shall be arranged geographically and shall include the name, address, hours of operation, telephone number and e-mail address of each entity;

(e) A statement that the patient has a right to view an ultrasound image and to observe the heartbeat monitoring of her unborn child and that she may obtain an ultrasound free of charge. The statement shall indicate that printed materials required by the provisions of this section contain a list, compiled by the department of health and welfare, of health care providers, facilities and clinics that offer to perform such ultrasounds free of charge; and

(f) Information directing the patient where to obtain further information and assistance in locating a health care provider whom she can consult about chemical abortion, including the interventions, if any, that may affect the effectiveness or reversal of a chemical abortion, and informs the patient that if she wants to consult with such health care providers, she should contact those health care providers before she takes the abortifacient; and

(g) A section specific to unborn children diagnosed with Down syndrome in order to help educate mothers about the development of children with Down syndrome and the resources available in both the private and public sectors to assist parents of children with Down syndrome with the delivery and care of a child born with Down syndrome. The section shall include:

(i) Easily comprehended, medically accurate information regarding the development of a child with Down syndrome, including treatment and therapy strategies available during a pregnancy and after birth; and

(ii) Descriptions of the services available to assist Idaho families with children born with Down syndrome, including adoption services, support agencies, and organizations in both the public and private sectors. Such directory shall include the name, address, telephone number, website, and email address of agencies, ministries, and organizations that provide financial, medical, emotional, and spiritual support services to mothers and families with a child with Down syndrome.

The department shall ensure that a Spanish language version of the informed consent materials required in this subsection is made available to women considering an abortion.

(3) (a) The department of health and welfare shall develop and maintain a stable internet website, that may be part of an existing website, to provide the information described in subsection (2) of this section. No information regarding persons using the website shall be collected or maintained. The department of health and welfare shall monitor the website on a weekly basis to prevent and correct tampering.

(b) As used in this section, "stable internet website" means a website that, to the extent reasonably practicable, is safeguarded from having its content altered other than by the department of health and welfare.

(c) When a pregnant patient contacts a physician by telephone or visit and inquires about obtaining an abortion, the physician or the physician's agent before or while scheduling an abortion-related appointment must provide the woman with the address of the state-sponsored internet website on which the printed materials described in subsection (2) of this section may be viewed as required in subsection (2) of this section.

(4) Except in the case of a medical emergency, no abortion shall be performed unless, prior to the abortion, the attending physician or the attending physician's agent certifies in writing that the materials provided by the director have been provided to the pregnant patient at least twenty-four (24) hours before the performance of the abortion. If the materials are not available from the director of the department of health and welfare, no certification shall be required. The attending physician, or the attending physician's agent, shall provide any other information required under this act.

(5) Except in the case of medical emergency, no abortion shall be performed unless, prior to an initial consultation or any testing, and not less than twenty-four (24) hours prior to the performance of the abortion, the woman is informed by telephone or in person, by the physician who is to perform the abortion or by an agent of the physician, that ultrasound imaging and heartbeat monitoring are available to the woman enabling the pregnant woman to view her unborn child or observe the heartbeat of the unborn child. The physician or agent of the physician shall inform the pregnant woman that the website and printed materials described in subsection (2) (d), (e) and (f) of this section contain telephone numbers, addresses and e-mail addresses of facilities that offer such services at no cost. If the woman contacts the abortion facility by e-mail, the physician or agent of the physician shall inform the woman of the requirements of this subsection by e-mail with the required information in a larger font than the rest of the e-mail. No fee for an abortion shall be collected prior to providing the information required in this subsection.

(6) All physicians or their agents who use ultrasound equipment in the performance of an abortion shall inform the patient that she has the right to view the ultrasound image of her unborn child before an abortion is performed. If the patient requests to view the ultrasound image, she shall be allowed to view it before an abortion is performed. The physician or agent shall also offer to provide the patient with a physical picture of the ultrasound image of her unborn child prior to the performance of the abortion, and shall provide it if requested by the patient. In addition to providing the material, the attending physician may provide the pregnant patient with such other information which in the attending physician's judgment is relevant to the pregnant patient's decision as to whether to have the abortion or carry the pregnancy to term.

(7) Within thirty (30) days after performing any abortion without certification and delivery of the materials, the attending physician, or the attending physician's agent, shall cause to be delivered to the director of the department of health and welfare, a report signed by the attending physician, preserving the patient's anonymity, denoting the medical emergency that excused compliance with the duty to deliver the materials. The director of the department of health and welfare shall compile the information annually and report to the public the total number of abortions performed in the state where delivery of the materials was excused; provided that any information so reported shall not identify any physician or patient in any manner which would reveal their identities.

(8) If section 18-608(3), Idaho Code, applies to the abortion to be performed and the pregnant patient is an adult and for any reason unable to give a valid consent thereto, the requirement for that pregnant patient's consent shall be met as required by law for other medical or surgical procedures and shall be determined in consideration of the desires, interests and welfare of the pregnant patient.

(9) The knowing failure of the attending physician to perform any one (1) or more of the acts required under subsection (7) of this section or section 39-261, Idaho Code, is grounds for discipline pursuant to section 54-1814(6), Idaho Code, and shall subject the physician to assessment of a civil penalty of one hundred dollars (\$100) for each month or portion thereof that each such failure continues, payable to the vital statistics unit of the department of health and welfare, but such failure shall not constitute a criminal act.

SECTION 4. That Section 18-613, Idaho Code, be, and the same is hereby amended to read as follows:

18-613. PARTIAL-BIRTH ABORTIONS PROHIBITED. (1) Prohibited acts. Any physician who knowingly performs a partial-birth abortion and thereby kills a human fetus shall be subject to the penalties imposed in section 18-605, Idaho Code. This section shall not apply to partial-birth abortions necessary to save the life of the mother when her life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

(2) Definitions. As used in this section:

(a) "Fetus" has the same meaning as provided in section 18-604(45), Idaho Code.

(b) "Partial-birth abortion" means an abortion in which the person performing the abortion:

(i) Deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the physician knows will kill the partially delivered living fetus; and

(ii) Performs the overt act, other than completion of delivery, that kills the partially delivered living fetus.

(c) "Physician" has the same meaning provided in section 18-604, Idaho Code. However, any individual who is not a physician or not otherwise legally authorized by this state to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions described in this section.

(3) (a) Civil actions. The father of the aborted fetus, if married to the mother of the aborted fetus at the time of the partial-birth abortion, or the maternal grandparents of the aborted fetus, if the mother is not at least eighteen (18) years of age at the time of the abortion,

may bring a civil action against the defendant physician to obtain appropriate relief. Provided however, that a civil action by the father is barred if the pregnancy resulted from the father's criminal conduct or if the father consented to the abortion. Further, a civil action by the maternal grandparents is barred if the pregnancy is the result of a maternal grandparent's criminal conduct or if a maternal grandparent consented to the abortion.

(b) As used in this section, "appropriate relief" shall include:

(i) Money damages for all mental and physical injuries suffered by the plaintiff as a result of the abortion performed in violation of this section;

(ii) Money damages equal to three (3) times the cost of performing the abortion procedure.

(4) (a) Hearing. A physician accused of violating this section may request a hearing before the state board of medicine on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

(b) The findings of the board of medicine regarding the issues described in paragraph (a) of this subsection are admissible at the criminal and civil trials of the defendant physician. Upon a motion by the defendant physician, the court shall delay the beginning of the criminal and civil trials for not more than thirty (30) days to permit the hearing to take place.

(5) Immunity. A woman upon whom a partial-birth abortion is performed shall not be prosecuted for violations of this section, for conspiracy to violate this section, or for violations of section 18-603, 18-605 or 18-606, Idaho Code, in regard to the partial-birth abortion performed.

SECTION 5. That Section 18-617, Idaho Code, be, and the same is hereby amended to read as follows:

18-617. CHEMICAL ABORTIONS. (1) As used in this section:

(a) "Abortifacient" means mifepristone, misoprostol and/or other chemical or drug dispensed with the intent of causing an abortion as defined in section 18-604(1), Idaho Code. Nothing in the definition shall apply when used to treat ectopic pregnancy;

(b) "Chemical abortion" means the exclusive use of an abortifacient or combination of abortifacients to effect an abortion;

(c) "Physician" has the same meaning as provided in section 18-604(1~~1~~2), Idaho Code.

(2) No physician shall give, sell, dispense, administer, prescribe or otherwise provide an abortifacient for the purpose of effecting a chemical abortion unless the physician:

(a) Has the ability to assess the duration of the pregnancy accurately in accordance with the applicable standard of care for medical practice in the state;

(b) Has determined, if clinically feasible, that the unborn child to be aborted is within the uterus and not ectopic;

(c) Has the ability to provide surgical intervention in cases of incomplete abortion or severe bleeding, or, if the physician does not have admitting privileges at a local hospital, has made and documented in the patient's medical record plans to provide such emergency care through other qualified physicians who have agreed in writing to provide such care;

(d) Informs the patient that she may need access to medical facilities equipped to provide blood transfusions and resuscitation, if necessary, as a result of or in connection with the abortion procedure on a twenty-four (24) hour basis. If the appropriate medical facility is other than a local hospital emergency room, the physician shall provide the patient with the name, address and telephone number of such facility in writing; and

(e) Has complied with the informed consent provisions of section 18-609, Idaho Code.

(3) The physician inducing the abortion, or a person acting on behalf of the physician inducing the abortion, shall make reasonable efforts to ensure that the patient returns for a follow-up visit so that a physician can confirm that the pregnancy has been terminated and assess the patient's medical condition.

Approved April 20, 2021

CHAPTER 259
(S.B. No. 1045)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 46, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4603, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING ADVANCED OPPORTUNITIES FUNDING FOR NONPUBLIC SCHOOL STUDENTS.

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

SECTION 1. That Chapter 46, 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 33-4603, Idaho Code, and to read as follows:

33-4603. ADVANCED OPPORTUNITIES -- NONPUBLIC SCHOOL STUDENTS. (1) Subject to appropriation, students not enrolled in public school will be eligible for seven hundred fifty dollars (\$750) to use toward dual credits, postsecondary credit-bearing examinations, and career technical education certificate examinations. Students may access these funds in grades 7 through 12.

(a) Up to seventy-five dollars (\$75.00) per credit hour may be used for dual credits. 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.

(b) The state department of education shall maintain a list of eligible postsecondary credit-bearing or career technical education certificate examinations and costs. Eligible examinations include:

(i) Advanced placement;

(ii) International baccalaureate;

(iii) College-level examination program; and

(iv) Career technical education examinations that lead to an industry-recognized certificate, license, or degree.

(2) Moneys provided pursuant to this section may be used to pay an amount not to exceed the price to the student of eligible courses and examinations pursuant to the limitations stated in this section. Payments made under this section shall be made from the moneys appropriated. 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

dual credit courses and examinations, the number of credits awarded, and the amounts paid pursuant to this section during the previous school year.

(3) The state department of education shall reimburse 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 shall be made only for activity occurring and reported within each state fiscal year.

(4) If a student fails to earn credit or successfully complete a course for which the department has paid a reimbursement, the student must pay for and successfully earn credit or complete one (1) like course before the state department of education pays any further reimbursements for the student. Repeated and remedial courses are not eligible for funding under this section.

(5) Schools must 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. Policies and procedures for participating in the program established by the school must be such that students have an opportunity to participate in the program and meet 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.

(6) The state board of education and state department of education may take such actions as are necessary to implement the provisions of this section, including:

- (a) The promulgation of any necessary rules; and
- (b) Delegation of duties under this section to a third party, provided that any contracts entered into with a third party shall be subject to the provisions of chapter 92, title 67, Idaho Code.

Approved April 20, 2021

CHAPTER 260
(S.B. No. 1192)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC CHARTER SCHOOL COMMISSION FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE PUBLIC CHARTER SCHOOL COMMISSION FOR FISCAL YEAR 2022; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Public Charter School Commission the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$126,500	\$47,600	\$174,100
Public Charter School Authorizers			
Fund	<u>455,200</u>	<u>566,500</u>	<u>1,021,700</u>
TOTAL	\$581,700	\$614,100	\$1,195,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Charter School Commission is authorized no more than five (5.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 19, 2021

CHAPTER 261

(H.B. No. 102, As Amended in the Senate)

AN ACT

RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2004, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 54-2085, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-2004, Idaho Code, be, and the same is hereby amended to read as follows:

54-2004. DEFINITIONS. As used in this chapter:

(1) "Accredited college or university" means an institution accredited by the regional accrediting associations, as reported in the most current publication of the accredited institutions of postsecondary education.

(2) "Acting in this state" means and includes dealing with any interest in real property, or a business opportunity involving an interest in real property, that is situated in the state of Idaho, or conducting or attempting to conduct or solicit real estate business with residents of the state of Idaho.

(3) "Active license" means the status of a real estate license that has not been inactivated, expired, terminated, suspended or revoked.

(4) "Associate broker" means an individual who has qualified personally as a real estate broker in Idaho under this chapter, but is licensed under, associated with and represents a designated broker in the performance of any act described in subsection (39) of this section.

(5) "Branch office" means an office operated by a licensed real estate broker or licensed legal business entity, separate and apart from the main office. A branch office may be licensed or unlicensed, in accordance with this chapter.

(6) "Broker price opinion" means a written price opinion of the estimated price for identified real property prepared or rendered by an actively licensed broker or associate broker, for a purpose other than a prospective listing or sale, and that complies or purports to comply with the requirements and content provision of section 54-4105, Idaho Code.

(7) "Brokerage company" means a real estate business, whether a sole proprietorship, a legal entity, or any other licensed person engaged in acts requiring a real estate license in Idaho, that is conducting or holding itself out as conducting the business of real estate through a designated broker.

(8) "Brokerage representation agreement" means a written contract between a buyer, seller, or both, and a real estate brokerage for agency representation in a regulated real estate transaction.

(9) "Business conduct and office operations course" means the component of the advanced real estate course that is required in order to obtain a broker license and that teaches business practices and office operations of the brokerage, including recordkeeping, trust account procedures and the laws governing those practices.

(10) "Business day" means and includes each day of the week except Saturday, Sunday or any other legal holiday enumerated in section 73-108, Idaho Code.

(11) "Business name" means the name in which the brokerage company is licensed by the commission.

(12) "Business opportunity" means and includes an established business, goodwill of an established business, or any interest therein, other than a lease, or any one (1) or combination thereof, where a sale or transfer of ~~an interest in land including, but not limited to, an assignment of a lease,~~ real property is involved in the transaction.

(13) "Commercial real estate" means a business opportunity as defined in this section, or any real estate other than real property improved by one (1) to four (4) residential dwelling units. Commercial real estate does not include residential dwelling units such as condominiums, townhouses or homes in a subdivision when that real estate is sold, leased or otherwise conveyed on a unit-by-unit basis, even though the units may be part of a larger building or parcel of real estate containing more than four (4) units. Commercial real estate does not include property used in association with any agricultural operation or agricultural facility as those terms are defined in section 22-4502, Idaho Code, and that is zoned to allow the agricultural use.

(14) "Commission" means the Idaho real estate commission, unless the context clearly indicates a different meaning.

(15) "Commission core course" means the annual course covering the twelve (12) month period between July 1 and June 30, which contains curriculum identified by the commission that stresses that year's trends in real estate practices and changes in laws in real estate-related industries. A core course must contain no more than four (4) classroom hours of instruction.

(16) "Continuing education elective course" means a real estate course offering, other than the commission core course for which continuing education credit hours may be obtained as provided in section 54-2023, Idaho Code.

(17) "Convicted" means a plea of nolo contendere or guilty, a jury verdict of guilty or a court decision of guilt whether or not a judgment or sentence has been imposed, withheld or suspended.

(18) "Cooperative sale" means a transaction involving two (2) or more brokers.

(19) "Council" means the Idaho real estate education council.

(20) "Dealer in options" means any person, firm, partnership, association or corporation who shall directly or indirectly take, obtain or use options to purchase, exchange, lease option or lease purchase real property or any interest therein for another or others whether or not the options shall be in his or its name and whether or not title to the property shall pass through the name of the person, firm, partnership, association or corporation in connection with the purchase, sale, exchange, lease option or lease purchase of the real property, or interest therein.

(21) "Designated broker" means an individual who is licensed as a real estate broker in Idaho and who is designated by the brokerage company to be responsible for the supervision of the brokerage company and the activities of any associated licensees in accordance with this chapter.

(22) "Distance learning course" means, in relation to a real estate course offering, a real estate course that is delivered not as a live course but through a medium in which the instructor and student are separated by both distance and time.

(23) "Double contract" means two (2) or more written or unwritten contracts of sale, purchase and sale agreements, loan applications, or any other agreements, one (1) of which is not made known to the prospective loan underwriter or the loan guarantor, to enable the buyer to obtain a larger loan than the true sales price would allow, or to enable the buyer to qualify for a loan that he or she otherwise could not obtain. An agreement or loan application is not made known unless it is disclosed in writing to the prospective loan underwriter or loan guarantor.

(24) "Executive director" means the executive director of the Idaho real estate commission.

(25) "Expired license" means the status of a license when the license period has expired and the license is not renewed or provisional license granted, and before the license is terminated.

(26) "Fee or commission" means a payment, actual, promised or expected, as compensation for the performance of any act requiring a real estate license.

(27) "Inactive license" means the status of a license that is not expired, terminated, suspended or revoked, and during which inactive period the license holder is not authorized to act as or associate with a designated broker.

(28) "Legal business entity" means and includes any type of corporation, partnership, limited liability company or limited liability partnership, a governmental entity, trust or other entity capable of conducting business.

(29) "Licensee" means any person who is licensed in accordance with this chapter to engage in the business or act in the capacity of real estate broker, associate broker or real estate salesperson.

(30) "Limited broker" means a broker individually qualified to do business in Idaho, but who may not have associate brokers or salespersons licensed with that broker.

(31) "Live presentation" means, in reference to a real estate course offering, a real estate course that is personally presented by the instructor and personally attended by the student at the same facility, or, if separated by distance, the instructor and student are connected by contemporaneous, two-way audio and visual communication.

(32) "Main office" means the principal location where the real estate broker is licensed to transact business.

(33) "Out-of-state broker" means a person who holds the equivalent of an active Idaho designated broker license in another jurisdiction who is not licensed as a real estate broker under this chapter.

(34) "Out-of-state sales associate" means a person who holds the equivalent of an active Idaho salesperson or associate broker license in another jurisdiction who is not licensed as a salesperson or associate broker under this chapter.

(35) "Person" means and includes an individual, or any legal business entity.

(36) "Post license course" means a commission-approved or certified elective course that is specifically oriented toward salespersons in their first two (2) years of Idaho practice. The course must contain no more than twelve (12) classroom hours of instruction.

(37) "Primary Idaho license" means an Idaho real estate license that is not contingent upon continuance of a license in another state or jurisdiction.

(38) "Provisional license" means an extension of the period of active licensure, beyond the licensee's expiration date, granted by the commission for the purpose of allowing the licensee to complete the continuing education requirements set forth in section 54-2023, Idaho Code, or for any other purpose allowed by this chapter.

(39) "Real estate broker" means and includes:

(a) Any person other than a real estate salesperson who, directly or indirectly, while acting for another, for compensation or a promise or an expectation thereof, engages in any of the following: sells, lists, buys, or negotiates, or offers to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others;

(b) Any actively licensed broker while, directly or indirectly, acting on the broker's own behalf;

(c) Any person who represents to the public that the person is engaged in any of the activities in this subsection;

(d) Any person who directly or indirectly engages in, directs, or takes any part in the procuring of prospects or in the negotiating or closing of any transaction which does or is calculated to result in any of the acts in this subsection;

(e) A dealer in options as defined in this section.

(40) "Real estate salesperson" or "salesperson" means any person who has qualified and is licensed as a real estate salesperson in Idaho under this chapter and is licensed under, associated with, and represents a designated broker in the performance of any act described in subsection (39) of this section.

(41) "Real estate settlement procedures act" means the real estate settlement procedures act of 1974, as amended, 12 U.S.C. 2601 et seq., and as in effect on January 1, 2008.

(42) "Regular employee" means an individual who performs a service for wages or other compensation and whose employer withholds federal employment taxes under a contract of hire, written or oral, express or implied.

(43) "Regulated real estate transaction" means those real estate transactions for which a real estate license is required under chapter 20, title 54, Idaho Code.

(44) "Responsible broker" means the designated broker in the regulated real estate transaction who is responsible for the accounting and transaction files for the transaction, in the manner described in section 54-2048, Idaho Code.

(45) "Revoked license" means a license that has been permanently revoked by the issuing authority.

(46) "Sales associate" means a salesperson or an associate broker licensed under and associated with a designated broker.

(47) "State or jurisdiction" means and includes any state or territory of the United States, the District of Columbia and any foreign jurisdiction that issues real estate licenses substantially similar to those provided for in this chapter.

(48) "Successfully completed" means, in reference to a real estate course offering, completing all required course hours and, except where the licensee seeks continuing education credit for having regularly attended the live presentation of a course, passing a commission-approved assessment or final examination.

(49) "Surrendered license" means a license that has been voluntarily terminated or surrendered by a licensee who, at the time of the voluntary termination or surrender, was under investigation or named in a formal administrative complaint.

(50) "Suspended license" means a license that has been temporarily suspended by the issuing authority.

SECTION 2. That Section 54-2085, Idaho Code, be, and the same is hereby amended to read as follows:

54-2085. DISCLOSURE AND WRITING REQUIREMENTS -- AGENCY DISCLOSURE BROCHURE AND REPRESENTATION CONFIRMATION. (1) A licensee shall give to a prospective buyer or seller at the first substantial business contact the agency disclosure brochure adopted or approved by the Idaho real estate commission. The commission by motion shall establish the form and contents of the brochure in accordance with the provisions of this chapter. Each brokerage shall keep a signed and dated record of a buyer or seller's receipt of the agency disclosure brochure.

(2) The agency disclosure brochure shall list the types of representation available to a buyer or seller in a regulated real estate transaction, the legal duties and obligations owed to the buyer or seller in each type of representation, and a conspicuous notice that no representation will exist absent a written agreement between the buyer or seller and the brokerage.

(3) A brokerage's relationship with a buyer or seller as an agent, nonagent, limited dual agent, or limited dual agent with assigned agents, must be determined and all necessary agreements executed no later than the preparation of a purchase and sale agreement. A brokerage must disclose its relationship to both buyer and seller in any transaction no later than the preparation or presentation of a purchase and sale agreement.

(4) In addition, a purchase and sale agreement, an attachment thereto, or other document drafted in connection with a regulated real estate transaction shall contain the following confirmation of the relationship, whether it involved representation or not, between the buyer, seller and licensees involved:

REPRESENTATION CONFIRMATION AND ACKNOWLEDGMENT OF DISCLOSURE

Check one (1) box in Section 1 below and one (1) box in Section 2 below to confirm that in this transaction, the brokerage(s) involved had the following relationship(s) with the BUYER(S) and SELLER(S).

Section 1:

- A. The brokerage working with the BUYER(S) is acting as an AGENT for the BUYER(S).
- B. The brokerage working with the BUYER(S) is acting as a LIMITED DUAL AGENT for the BUYER(S), without an ASSIGNED AGENT.
- C. The brokerage working with the BUYER(S) is acting as a LIMITED DUAL AGENT for the BUYER(S) and has an ASSIGNED AGENT acting solely on behalf of the BUYER(S).
- D. The brokerage working with the BUYER(S) is acting as a NONAGENT for the BUYER(S).

Section 2:

- A. The brokerage working with the SELLER(S) is acting as an AGENT for the SELLER(S).
- B. The brokerage working with the SELLER(S) is acting as a LIMITED DUAL AGENT for the SELLER(S), without an ASSIGNED AGENT.
- C. The brokerage working with the SELLER(S) is acting as a LIMITED DUAL AGENT for the SELLER(S) and has an ASSIGNED AGENT acting solely on behalf of the SELLER(S).
- D. The brokerage working with the SELLER(S) is acting as a NONAGENT for the SELLER(S).

Each party signing this document confirms that he has received, read and understood the Agency Disclosure Brochure adopted or approved by the Idaho real estate commission and has consented to the relationship confirmed above. ~~In addition, each party confirms that the brokerage's agency office policy was made available for inspection and review.~~ EACH PARTY UNDERSTANDS THAT HE IS A "CUSTOMER" AND IS NOT REPRESENTED BY A BROKERAGE UNLESS THERE IS A SIGNED WRITTEN AGREEMENT FOR AGENCY REPRESENTATION.

(5) The failure of a licensee to timely give a buyer or seller the agency disclosure brochure or the failure of a licensee to properly and timely obtain any written agreement or confirmation required by this chapter shall be a violation of the Idaho real estate license law and may subject the licensee to disciplinary action according to the provisions of sections 54-2058 through 54-2078, Idaho Code.

(6) Neither the commission brochure nor the representation confirmation shall create a brokerage relationship. A separate, signed, written agreement is required for that purpose.

Approved April 19, 2021

CHAPTER 262
(H.B. No. 290)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-202, IDAHO CODE, TO PROVIDE FOR THE VERIFICATION OF CERTAIN SIGNATURES AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 34-217, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE RETENTION OF COUNTY ELECTION RECORDS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1005, IDAHO CODE, TO PROVIDE FOR THE VERIFICATION OF CERTAIN ABSENTEE VOTER SIGNATURES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1803, IDAHO CODE, TO PROVIDE FOR THE VERIFICATION OF SIGNATURES ON REFERENDUM PETITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-1807, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CERTIFICATION AND VALIDITY OF SIGNATURES ON A PETITION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-202, Idaho Code, be, and the same is hereby amended to read as follows:

34-202. SECRETARY OF STATE TO DISTRIBUTE COMPREHENSIVE DIRECTIVES AND INSTRUCTIONS RELATING TO ELECTION LAWS TO ALL COUNTY CLERKS. In carrying out his responsibility under section ~~17~~ 34-201, Idaho Code, the secretary of state shall cause to be prepared and distributed to each county clerk detailed and comprehensive written directives and instructions relating to and based upon the election laws as they apply to elections, registration of electors and voting procedures which by law are under the direction and control of the county clerk. Such directives and instructions shall include sample forms of ballots, papers, documents, records and other materials and supplies required by such election laws. The secretary of state shall develop and provide to each county clerk instructions and standards for the verification, acceptance, and rejection of elector signatures for any process requiring signature verification. The secretary of state shall prescribe a form for voter registration cards based on the voter registration laws and, from time to time, shall cause to be prepared and distributed to each county clerk such written corrections of such directives and instructions and of the form for registration cards as are necessary to maintain uniformity in the application, operation and interpretation of and to reflect changes in the election laws. Each county clerk affected thereby shall comply with such directives and instruction, and corrections thereof, and shall provide voter registration cards prepared in accordance with the prescribed form.

SECTION 2. That Section 34-217, Idaho Code, be, and the same is hereby amended to read as follows:

34-217. RETENTION OF COUNTY ELECTION RECORDS. County election records shall be maintained by the county clerk for the time periods outlined in this section. Records shall be maintained for the period specified beginning with the date the record is created or has become no longer valid, whichever is greater.

(1) The following records shall be retained for not less than five (5) years:

- (a) Voter registration cards for electors whose registration has been terminated;
- (b) Correspondence relating to an elector's voter registration;
- (c) Combination election record and poll book, including the ballot accounting page;
- (d) Declaration of candidacy and petition of candidacy forms filed with the county clerk;
- (e) Maps of precinct boundaries with legal descriptions;
- (f) List of absentee voters; and
- (g) County initiatives and petitions that qualify for placement on the ballot.

(2) The following shall be retained for two (2) years:

- (a) Completed absentee ballot request forms;
- (b) Tally books;
- (c) Voted ballots;
- (d) Any ballots that were required to be duplicated before being counted;
- (e) Certified lists of candidates or declaration of candidacy forms from special districts used for ballot preparation; and
- (f) Certified ballot language from special districts for any question placed on the ballot; and
- (g) Absentee ballot affidavit envelopes, including the indication of the signature's acceptance or rejection.

(3) The following shall be maintained for one (1) year:

- ~~(a) Absentee ballot affidavit envelopes;~~
- ~~(b)~~ Notice of election;
- ~~(c)~~ Personal identification affidavit;
- ~~(d)~~ Ballot tracking logs;
- ~~(e)~~ Automated tabulation election logs;
- ~~(f)~~ Copy of the election definition and program used in tabulating ballots electronically and in the ballot marking device; and
- ~~(g)~~ Record of the number of ballots printed and furnished to each polling place.

(4) Other election supplies, including but not limited to unused ballots, official election ballot identification or official ballot stamps, receipts for supplies, and spoiled ballots, may be disposed of sixty (60) days following the deadline for requesting a recount or filing an election contest pursuant to chapters 20 and 21, title 34, Idaho Code.

SECTION 3. That Section 34-1005, Idaho Code, be, and the same is hereby amended to read as follows:

34-1005. RETURN OF ABSENTEE BALLOT. (1) The return envelope shall be mailed or delivered to the officer who issued the same; provided, that an absentee ballot must be received by the issuing officer by 8:00 p.m. on the day of election before such ballot may be counted.

(2) Upon receipt of an absent elector's ballot, the county clerk of the county wherein such elector resides shall verify the authenticity of the affidavit, including verifying that the signature matches the signature from such elector's voter registration, and shall write or stamp upon the envelope containing the same, the date and hour such envelope was received in his office and shall record the information pursuant to section 34-1011, Idaho Code. He shall safely keep and preserve all absent electors' ballots unopened until the time prescribed for delivery to the polls or to the central count ballot processing center.

SECTION 4. That Section 34-1803, Idaho Code, be, and the same is hereby amended to read as follows:

34-1803. REFERENDUM PETITIONS -- TIME FOR FILING -- WHEN ELECTION HELD -- EFFECTIVE DATE OF LAW. Referendum petitions with the requisite number of signatures attached, as verified by county clerks pursuant to section 34-1807, Idaho Code, shall be filed with the secretary of state not more than sixty (60) days after the final adjournment of the session of the state legislature ~~which~~ that passed on the bill on which the referendum is demanded. All elections on measures referred to the people of the state shall be had at the biennial regular election. Any measure so referred to the people shall take effect and become a law when it is approved by a majority of the votes cast thereon, and not otherwise.

SECTION 5. That Section 34-1807, Idaho Code, be, and the same is hereby amended to read as follows:

34-1807. CIRCULATION OF PETITIONS -- VERIFICATION OF PETITION AND SIGNATURE SHEETS -- ~~COMPARISON OF SIGNATURES WITH REGISTRATION OATHS AND RECORDS~~ CERTIFICATION OF PETITION SIGNERS -- CERTAIN PETITIONS AND SIGNATURES VOID. (1) Any person who circulates any petition for an initiative or referendum shall be a resident of the state of Idaho and at least eighteen (18) years of age. Each and every sheet of every such petition containing signatures shall be verified on the face thereof in substantially the following form, by the person who circulated said sheet of said petition, by his or her affidavit thereon, and as a part thereof:

State of Idaho)
) ss.
County of....)

I, , being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age: that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence: I believe that each has stated his or her name, address and residence correctly, that each signer is a qualified elector of the State of Idaho, and a resident of the county of.

Signed
~~Post-office~~ Post office address

Subscribed and sworn to before me this day of
(Notary Seal) Notary Public
Residing at

(2) In addition to said affidavit, the county clerk shall carefully examine said petitions and strike from the petition any names for which he has determined that the name, address, or signature do not match those of a qualified elector of the proper jurisdiction. The county clerk shall attach to the signature sheets a certificate to the secretary of state substantially as follows:

State of Idaho)
) ss.
County of....)

To the honorable , Secretary of State for the State of Idaho: I, , County Clerk of County, hereby certify that signatures on this petition are those of qualified electors in legislative district number

Signed
County Clerk or Deputy.

(Seal of office)

(3) The county clerk shall deliver the petition or any part thereof to the person from whom he received it with his certificate attached thereto as above provided. The forms herein given are not mandatory and if substantially followed in any petition, it shall be sufficient, disregarding clerical and merely technical error.

(4) Any petition upon which signatures are obtained by a person not a resident of the state of Idaho and at least eighteen (18) years of age, shall be void. The definition of resident in section 34-107, Idaho Code, shall apply to the circulators of initiative and referendum petitions. ~~In addition to being a resident, a petition circulator shall be at least eighteen (18) years of age.~~

(5) Any signature that is not a physical signature, including an electronic signature, is void.

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 19, 2021

CHAPTER 263
(H.B. No. 298)

AN ACT

RELATING TO STUDENT IMMUNIZATIONS; AMENDING SECTION 39-4801, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 39-4802, IDAHO CODE, TO PROVIDE THAT SCHOOL OFFICIALS SHALL PROVIDE PARENTS AND GUARDIANS WITH CERTAIN INFORMATION IN COMMUNICATIONS REGARDING IMMUNIZATION.

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

SECTION 1. That Section 39-4801, Idaho Code, be, and the same is hereby amended to read as follows:

39-4801. IMMUNIZATION REQUIRED. (1) Except as provided in section 39-4802, Idaho Code, any child in Idaho of school age may attend ~~grades~~ preschool and kindergarten through grade twelve (12) of any public, private, or parochial school operating in this state if otherwise eligible, provided that, upon admission, the parent or guardian shall provide an immunization record to the school authorities regarding the child's immunity to certain childhood diseases. This record, signed by a physician ~~or his,~~ the physician's representative, or another licensed health care professional, shall verify that such child has received, or is in the process of receiving immunizations as specified by the state board of health and welfare, or can effectively demonstrate, through verification in a form approved by the department of health and welfare, immunity gained through prior contraction of the disease.

(2) Immunizations required and the manner and frequency of their administration shall be as prescribed by the state board of health and welfare and shall conform to recognized standard medical practices in the state. The state board of health and welfare, in cooperation with the state board of education and the Idaho school boards association, shall promulgate appropriate rules for the enforcement of the required immunization program and specify reporting requirements of schools, pursuant to the provisions of chapter 52, title 67, Idaho Code.

SECTION 2. That Section 39-4802, Idaho Code, be, and the same is hereby amended to read as follows:

39-4802. EXEMPTIONS. (1) Any minor child whose parent or guardian has submitted to school officials a certificate signed by a physician licensed by the state board of medicine stating that the physical condition of the child is such that all or any of the required immunizations would endanger the life or health of the child shall be exempt from the provisions of this chapter.

(2) Any minor child whose parent or guardian has submitted a signed statement to school officials stating their objections on religious or other grounds shall be exempt from the provisions of this chapter.

(3) School officials shall describe the exemptions provided in this section and provide a citation to this section in any communication to parents and guardians regarding immunization.

Approved April 19, 2021

CHAPTER 264
(H.B. No. 346)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING AN EXEMPTION FROM PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Division of Occupational and Professional Licenses the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BUILDING CONSTRUCTION AND REAL ESTATE:					
FROM:					
State Regulatory					
Fund	\$10,995,200	\$4,374,800	\$456,100	\$26,000	\$15,852,100
Miscellaneous Revenue/Industrial Safety					
Fund	691,700	100,600			792,300
Miscellaneous Revenue/Logging					
Fund	469,600	76,000			545,600
Federal Grant					
Fund	<u>112,500</u>	<u>75,900</u>	<u>0</u>	<u>0</u>	<u>188,400</u>
TOTAL	\$12,269,000	\$4,627,300	\$456,100	\$26,000	\$17,378,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. OCCUPATIONAL LICENSES:					
FROM:					
State Regulatory					
Fund	\$1,795,600	\$1,230,700	\$16,000	\$28,600	\$3,070,900
III. HEALTH PROFESSIONS:					
FROM:					
State Regulatory					
Fund	\$3,194,200	\$3,654,600	\$5,500	\$500	\$6,854,800
IV. ADMINISTRATION:					
FROM:					
State Regulatory					
Fund	\$4,016,100	\$7,364,500			\$11,380,600
GRAND TOTAL	\$21,274,900	\$16,877,100	\$477,600	\$55,100	\$38,684,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Occupational and Professional Licenses is authorized no more than two hundred seventy-one and two-tenths (271.20) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. The Division of Occupational and Professional Licenses is hereby exempted from the provisions of Section 67-3511(2), Idaho Code, allowing unlimited transfers between programs for all moneys appropriated to it for the period July 1, 2021, through June 30, 2022. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 19, 2021

CHAPTER 265
(H.B. No. 357)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF FACILITIES FOR FISCAL YEAR 2022; APPROPRIATING MON- EYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF FA- CILITIES FOR FISCAL YEAR 2022; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; SPECIFYING THE AMOUNT OF REVENUE DIS- TRIBUTED TO THE GENERAL FUND FOR FISCAL YEAR 2022; AND MAKING A TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2022.

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

SECTION 1. There is hereby appropriated to the Public Schools Educa- tional Support Program's Division of Facilities the following amounts to be expended from the listed funds for the period July 1, 2021, through June 30, 2022:

FROM:

General Fund	\$26,206,900
Bond Levy Equalization Fund	14,125,000
School District Building Account	<u>21,000,000</u>
TOTAL	\$61,331,900

SECTION 2. TRANSFER. Of the moneys appropriated to the Public Schools Educational Support Program's Division of Facilities, the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated to the Bond Levy Equalization Fund. If the funding appro- priated in Section 1 of this act is insufficient to meet the requirements of Section 33-906, Idaho Code, the difference shall be withdrawn and paid from the Public Education Stabilization Fund, notwithstanding any other provi- sion of law to the contrary.

SECTION 3. DISTRIBUTION TO THE GENERAL FUND. Notwithstanding the provisions of Section 63-2520(b)(4), Idaho Code, the amount of revenue distributed to the General Fund shall be \$9,524,200 for the period July 1, 2021, through June 30, 2022.

SECTION 4. TRANSFER FOR PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM. Of the moneys appropriated in Section 1 of this act, there is hereby appropri- ated and the Office of the State Controller shall transfer \$16,682,700 from the General Fund to the Public School Income Fund to be expended for the Pub- lic Schools Educational Support Program's Division of Facilities for the pe- riod July 1, 2021, through June 30, 2022.

Approved April 19, 2021

CHAPTER 266
(H.B. No. 338)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2022; 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 Office of 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, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. ADMINISTRATION:			
FROM:			
General			
Fund	\$844,000	\$593,800	\$1,437,800
Federal COVID-19 Relief			
Fund	<u>0</u>	<u>2,300,000</u>	<u>2,300,000</u>
TOTAL	\$844,000	\$2,893,800	\$3,737,800
II. STATEWIDE ACCOUNTING:			
FROM:			
General			
Fund	\$1,879,400	\$3,492,800	\$5,372,200
Miscellaneous Revenue			
Fund	<u>0</u>	<u>5,000</u>	<u>5,000</u>
TOTAL	\$1,879,400	\$3,497,800	\$5,377,200
III. STATEWIDE PAYROLL:			
FROM:			
General			
Fund	\$1,590,700	\$3,364,700	\$4,955,400
Miscellaneous Revenue			
Fund	<u>0</u>	<u>5,000</u>	<u>5,000</u>
TOTAL	\$1,590,700	\$3,369,700	\$4,960,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
IV. COMPUTER CENTER:			
FROM:			
Data Processing Services			
Fund	\$5,309,200	\$2,865,000	\$8,174,200
GRAND TOTAL	\$9,623,300	\$12,626,300	\$22,249,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Controller is authorized no more than one hundred one (101.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, 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 Office of the State Controller any unexpended and unencumbered balances appropriated or reappropriated to the Office of the State Controller from the Data Processing Services Fund for fiscal year 2021, in an amount not to exceed \$2,500,000, to be used for nonrecurring expenditures related to the Computer Service Center for the period July 1, 2021, through June 30, 2022. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

Approved April 19, 2021

CHAPTER 267
(S.B. No. 1177)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2022; 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, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$1,082,500	\$681,500	\$1,764,000
Administration and Accounting Services			
Fund	<u>12,196,300</u>	<u>1,778,600</u>	<u>13,974,900</u>
TOTAL	\$13,278,800	\$2,460,100	\$15,738,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Information Technology Services is authorized no more than one hundred thirty-five (135.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 21, 2021

CHAPTER 268
(H.B. No. 315)

AN ACT

RELATING TO PUBLIC FUNDS; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-825, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE STATE-DIRECTED OPIOID SETTLEMENT FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 8, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 57-825, Idaho Code, and to read as follows:

57-825. STATE-DIRECTED OPIOID SETTLEMENT FUND -- USE OF FUND MONEYS -- RECOMMENDATIONS. (1) There is hereby established in the state treasury the state-directed opioid settlement fund, to be managed by the state treasurer. Moneys in the fund shall consist of:

- (a) Moneys received by the state of Idaho pursuant to settlements and judgments obtained by the state relating to opioids;
- (b) Legislative appropriations to the fund;
- (c) Any bequests or donations to the fund; and
- (d) Interest earned on idle moneys in the fund.

(2) Moneys in the state-directed opioid settlement fund shall be used as determined by legislative appropriation, provided that such moneys must be used only for purposes relating to opioid abuse prevention and recovery programs.

(3) The Idaho behavioral health council shall meet as necessary and make recommendations to the joint finance-appropriations committee as to how moneys from the state-directed opioid settlement fund should be used. The provisions of this subsection shall be effective until July 29, 2024.

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 April 21, 2021

CHAPTER 269

(H.B. No. 191, As Amended in the Senate)

AN ACT

RELATING TO DOMESTIC RELATIONS; AMENDING TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 32, IDAHO CODE, TO PROVIDE FOR A DELEGATION OF PARENTAL POWERS, TO PROVIDE FOR A RETENTION OF PARENTAL RIGHTS, TO PROVIDE THAT A TEMPORARY CAREGIVER MAY NOT RECEIVE FINANCIAL PAYMENTS EXCEPT FOR THE REIMBURSEMENT OF ACTUAL EXPENSES, TO DEFINE A TERM AND TO PROVIDE FOR A CERTAIN DISCLOSURE, TO PROVIDE REQUIREMENTS FOR TEMPORARY CARE ASSISTANCE PROGRAMS, AND TO PROVIDE FOR STATUTORY CONSTRUCTION.

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

SECTION 1. That Title 32, 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 32, Idaho Code, and to read as follows:

CHAPTER 18

TEMPORARY CAREGIVERS AND TEMPORARY CARE ASSISTANCE PROGRAMS

32-1801. DELEGATION OF PARENTAL POWERS. (1) A parent or legal guardian of a child, by a properly executed power of attorney, may temporarily delegate to another person, named in the instrument as the temporary caregiver, any of the traditional parental rights and responsibilities regarding care and custody of the child except for:

- (a) Consent for the child to marry;
- (b) Consent for an abortion or inducement of an abortion to be performed on or for the child; or
- (c) The termination of parental rights to the child.

(2) A temporary caregiver properly appointed pursuant to this chapter and in compliance with this chapter is not subject to any statutes regarding the licensing or regulation of foster care homes or other child care facility licensing statutes, and the appointment of a temporary caregiver pursuant to this chapter does not constitute an out-of-home child placement.

(3) The child or children subject to the power of attorney established pursuant to this section will not be considered placed in foster care, and the parties involved in the power of attorney established pursuant to this section are not subject to any requirements, monitoring, or other regulation for foster care or community care solely because of the execution of an instrument authorized pursuant to this section.

(4) A delegation of parental rights and responsibilities made pursuant to this section may last for up to six (6) months.

32-1802. RETENTION OF PARENTAL RIGHTS. (1) A temporary delegation of rights and responsibilities under this chapter does not:

- (a) Operate to change or modify any parental or legal rights, obligations, or authority established by an existing court order;
- (b) Deprive the parent or legal custodian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of the child; or
- (c) Constitute child abuse, neglect, or placement in foster care.

(2) The parent or legal custodian of the child has the authority to revoke or withdraw the power of attorney authorized by section 32-1801, Idaho Code, at any time.

(3) Upon the termination, withdrawal, or revocation of the power of attorney established by section 32-1801, Idaho Code, the child will be returned to the custody of the parent or legal guardian no later than forty-eight (48) hours after such termination, withdrawal, or revocation.

32-1803. REIMBURSEMENT OF TEMPORARY CAREGIVER. A temporary caregiver appointed pursuant to section 32-1801, Idaho Code, shall not receive financial payment other than reimbursement for actual expenses arising from the care of the child.

32-1804. DISCLOSURE OF TEMPORARY CARE ASSISTANCE PROGRAM. (1) For purposes of this section and section 32-1805, Idaho Code, "temporary care assistance program" means a program operated by an organization that assists a parent or guardian with recruiting or identifying an appropriate and safe temporary caregiver to whom the parent or guardian can choose to delegate temporary care responsibility of a minor through a power of attorney. A temporary care assistance program shall comply with nationally recognized standards, such as those found in the title IV-E prevention services clearinghouse.

(2) During a child protection investigation that does not result in an out-of-home placement due to abuse of a child, the child protective investigator is authorized and encouraged to provide information to the parent or legal guardian about temporary care assistance programs. The child protective investigator is authorized to exercise discretion in recommending programs, organizations, and resources to the parent or legal guardian.

32-1805. TEMPORARY CARE ASSISTANCE PROGRAM REQUIREMENTS. (1) A temporary care assistance program shall check against the state's sex offender registry operated by the Idaho state police and against the national sex offender public website operated by the United States department of justice that checks names and addresses in the registries before allowing someone to become a temporary caregiver within the program's service. The process must include a check against the Idaho child protection central registry operated by the Idaho department of health and welfare. The process must also include a criminal history and background check conducted by the department of health and welfare, which may assess a fee to the temporary care assistance program to cover costs associated with the criminal history and background check.

(2) The temporary caregiver's residence must be inspected annually by the affiliated temporary care assistance program.

(3) The temporary care assistance program must disclose to any parent or guardian using its services that any delegation of parental rights and responsibilities shall be made to a temporary caregiver, not to the temporary care assistance program itself.

32-1806. STATUTORY CONSTRUCTION. (1) Nothing in this chapter shall be construed to affect any delegation of powers made pursuant to section 15-5-104, Idaho Code.

(2) Nothing in this chapter shall be construed as invalidating the provisions of the child protective act in chapter 16, title 16, Idaho Code, or shall modify the burden of proof at any stage of proceedings under the child protective act. Nothing in this chapter shall be construed to modify any existing, compelling governmental interest.

CHAPTER 270

(H.B. No. 252, As Amended in the Senate)

AN ACT

RELATING TO AGRICULTURAL LAND ASSESSMENT; AMENDING SECTION 63-604, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ASSESSMENT OF LAND ACTIVELY DEVOTED TO AGRICULTURE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 63-604, Idaho Code, be, and the same is hereby amended to read as follows:

63-604. LAND ACTIVELY DEVOTED TO AGRICULTURE DEFINED. (1) For property tax purposes, land ~~which is~~ actively devoted to agriculture shall be eligible for appraisal, assessment, and taxation as agricultural property each year it meets one (1) or more of the following qualifications:

(a) The total area of such land, including the homesite, is more than five (5) contiguous acres, and is actively devoted to agriculture, which means:

(i) It is used to produce field crops including, but not limited to, grains, feed crops, fruits and vegetables; or

(ii) It is used to produce nursery stock as defined in section 22-2302(11), Idaho Code; or

(iii) It is used by the owner for the grazing of livestock to be sold as part of a for-profit enterprise, or is leased by the owner to a bona fide lessee for grazing purposes; or

(iv) It is in a cropland retirement or rotation program.

(b) The area of such land is five (5) contiguous acres or less and such land has been actively devoted to agriculture within the meaning of subsection (1)(a) of this section during the last three (3) growing seasons; and

(i) It agriculturally produces for sale or home consumption the equivalent of fifteen percent (15%) or more of the owner's or lessee's annual gross income; or

(ii) It agriculturally produced gross revenues in the immediately preceding year of one thousand dollars (\$1,000) or more. When the area of land is five (5) contiguous acres or less, such land shall be presumed to be nonagricultural land until it is established that the requirements of this subsection have been met.

(2) Land that is contiguous to land qualifying under subsection (1) of this section shall also be appraised, assessed, and taxed as land actively devoted to agriculture if the land:

(a) Consists of pivot corners for a center pivot-irrigated crop, provided such pivot corners are not used for a commercial or residential purpose; or

(b) Is used primarily to store agricultural commodities or agricultural equipment, or both.

(3) Land shall not be classified or valued as agricultural land which is part of a platted subdivision with stated restrictions prohibiting its use for agricultural purposes, whether within or without a city.

(34) Land utilized for the grazing of a horse or other animals kept primarily for personal use or pleasure rather than as part of a bona fide for-profit enterprise shall not be considered to be land actively devoted to agriculture.

(45) Land actively devoted to agriculture, having previously qualified for exemption under this section in the preceding year, or ~~which~~ that would have qualified under this section during the current year, shall not lose such qualification due to the owner's or lessee's absence in the current year by reason of active military service in a designated combat zone, as defined in section 112 of the Internal Revenue Code. If an owner fails to timely apply for exemption as required in this section solely by reason of active duty in a designated combat zone, as defined in section 112 of the Internal Revenue Code, and the land would otherwise qualify for exemption under this section, then the board of county commissioners of the county in which the land actively devoted to agriculture is located shall refund property taxes, if previously paid, in an amount equal to the exemption ~~which~~ that would otherwise have applied.

(56) If the land qualified for exemption pursuant to section 63-602FF, Idaho Code, in 2005, then the land will qualify in 2006 for the exemption pursuant to section 63-602K, Idaho Code, upon the filing of a statement by the owner with the board of county commissioners that the land will be actively devoted to agriculture pursuant to this section in 2006.

(67) For purposes of this section, the act of platting land actively devoted to agriculture does not, in and of itself, cause the land to lose its status as land being actively devoted to agriculture if the land otherwise qualifies for the exemption under this section.

(78) As used in this section:

(a) "Contiguous" means being in actual contact or touching along a boundary or at a point, except no area of land shall be considered not contiguous solely by reason of a roadway or other right-of-way.

(b) "For-profit" means the enterprise will, over some period of time, make or attempt to make a return of income exceeding expenses.

(c) "Platting" means the filing of the drawing, map or plan of a subdivision or a replatting of such, including certification, descriptions and approvals with the proper county or city official.

Approved April 22, 2021

CHAPTER 271
(S.B. No. 1051)

AN ACT

RELATING TO THE PERSONNEL SYSTEM; AMENDING SECTION 67-5309C, IDAHO CODE, TO PROVIDE THAT CERTAIN INFORMATION BE INCLUDED IN THE ANNUAL REPORT SUBMITTED TO THE GOVERNOR AND THE LEGISLATURE BY THE ADMINISTRATOR OF THE DIVISION OF HUMAN RESOURCES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-5309C, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309C. ANNUAL SURVEYS, REPORTS, AND RECOMMENDATIONS. (1) The administrator of the division of human resources shall conduct or approve annual salary and benefit surveys within relevant labor markets to determine salary ranges and benefit packages that represent competitive labor market average rates and benefits provided by private industry and other governmental units.

(2) A report of the results of the annual salary and benefit surveys and recommendations for changes to meet the requirements of section 67-5309A, Idaho Code, together with their estimated costs of implementation, shall be submitted to the governor and the legislature not later than the first day of December of each year. The report must include the total amount of salary savings realized in the previous budget year and must include information regarding the dispensation of such funds, including but not limited to the amount that was reverted back, any funds used for ongoing employee raises, funds used for onetime employee stipends, and funds expended for any other purposes. The recommendations shall include, at a minimum, four (4) components to address the compensation philosophy described in section 67-5309A, Idaho Code, and shall include specific funding recommendations for each component:

(a) A recommendation for market-related changes necessary to address ~~system-wide~~ systemwide structure adjustments to stay competitive with relevant labor markets. Such recommendation may include a market-related payline adjustment for all eligible employees, as well as the structure, to avoid compression in the salary system.

(b) A recommendation for market-related changes necessary to address specific occupational inequities.

(c) A recommendation for a merit increase component to recognize and reward state employees in the performance of public service to the citizens of Idaho.

(d) A recommendation for any changes to the employee benefit package, including any adjustments to the overall design of the benefit package and/or employee contributions.

(3) The governor shall submit his own recommendations on proposed changes in salaries and benefits to the legislature prior to the seventh legislative day of each session. Such recommendations shall address, at a minimum, the four (4) components and subsequent funding for each component required in this section.

(4) The legislature may, by concurrent resolution, accept, modify, or reject the governor's recommendations, but any such action by the legislature, at a minimum, shall address the four (4) components and subsequent funding of each component required in this section. The failure of the legislature to accept, modify, or reject the recommendations prior to adjournment sine die shall constitute approval of the governor's recommendations, and such recommendations shall be funded through appropriations provided by law. The administrator of the division of human resources shall implement necessary and authorized changes to salary and pay schedule by rule. The director of the department of administration shall implement necessary and authorized changes to benefits.

Approved April 22, 2021

CHAPTER 272
(S.B. No. 1062)

AN ACT

RELATING TO CANDIDATES; AMENDING SECTION 34-702A, IDAHO CODE, TO REVISE PROVISIONS REGARDING DECLARATIONS OF INTENT FOR WRITE-IN CANDIDATES; AMENDING SECTION 34-708, IDAHO CODE, TO REVISE PROVISIONS REGARDING SIGNATURE VERIFICATIONS FOR INDEPENDENT CANDIDATES; AND AMENDING SECTION 34-708A, IDAHO CODE, TO REVISE PROVISIONS REGARDING SIGNATURE VERIFICATIONS FOR INDEPENDENT CANDIDATES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 34-702A, Idaho Code, be, and the same is hereby amended to read as follows:

34-702A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATES. (1) No write-in vote for any office in a primary, special, or general election shall be counted unless a completed declaration of intent form has been filed indicating that the person desires the office and is legally qualified to assume the duties of said office if elected. The declaration of intent shall be filed with the secretary of state if for a federal, state, or legislative district office and with the county clerk if for a county office. Such declaration of intent shall be filed no later than the eighth Friday before the day of election. For a write-in candidate for president, the declaration shall include a certification of the write-in candidate's vice presidential and presidential electors, all of whom must be qualified to serve in their respective offices. The secretary of state shall prescribe the form for said declarations.

(2) In those counties ~~which~~ that utilize optical scan ballots, an elector shall not place on the ballot a sticker bearing the name of a person, or use any other method or device, except writing, to vote for a person whose name is not printed on the ballot.

SECTION 2. That Section 34-708, Idaho Code, be, and the same is hereby amended to read as follows:

34-708. INDEPENDENT CANDIDATES. (1) No person may offer himself as an independent candidate at the primary election.

(2) Any person who desires to offer himself as an independent candidate for federal, state, district, or county office may do so by complying strictly with the provisions of this section. In order to be recognized as an independent candidate, each such candidate must file with the proper officer as provided by section 34-705, Idaho Code, a declaration of candidacy as an independent candidate, during the period specified in section 34-704, Idaho Code. Such declaration must state that he is offering himself as an independent candidate, must declare that he has no political party affiliation, and must declare the office for which he seeks election. Each such declaration must be accompanied by a petition containing the following number of signatures of qualified electors:

- (a) One thousand (1,000) for any statewide office;
- (b) Five hundred (500) for any congressional district office;
- (c) Fifty (50) for any legislative district office;
- (d) Five (5) for any county office.

(3) Signatures on the petitions required in this section shall be verified in the manner prescribed in section 34-1807, Idaho Code, on a form similar to that used for recall petitions under chapter 17, title 34, Idaho Code, as prescribed by the secretary of state.

(4) If all of the requirements of this section have been met, the proper officer shall cause the name of each independent candidate who has qualified to be placed on the general election ballot, according to instructions of the secretary of state.

SECTION 3. That Section 34-708A, Idaho Code, be, and the same is hereby amended to read as follows:

34-708A. INDEPENDENT CANDIDATES FOR PRESIDENT AND ~~VICE-PRESIDENT~~ VICE PRESIDENT. (1) Persons who desire to be independent candidates for the offices of president and ~~vice-president~~, vice president must file, prior to August 25 of the election year, declarations of candidacy as independent candidates. Such declarations must state that such persons are offering themselves as independent candidates and must declare that they have no political party affiliation. The declarations shall have attached thereto a petition signed by one thousand (1,000) qualified electors.

(2) The candidates for president and ~~vice-president~~ vice president shall be considered as candidates for one (1) office, and only one (1) such petition need be filed for both offices.

(3) Signatures on the petitions required in this section shall be verified in the manner prescribed in section 34-1807, Idaho Code, provided on a form similar to that used for recall petitions under chapter 17, title 34, Idaho Code, as prescribed by the secretary of state; except that the petition circulators are not required to be Idaho residents.

Approved April 22, 2021

CHAPTER 273

(S.B. No. 1107, As Amended)

AN ACT

RELATING TO HIGHWAY DISTRICTS; AMENDING SECTION 40-1415, IDAHO CODE, TO PROVIDE FOR AGREEMENTS REGARDING CERTAIN FINANCIAL RESPONSIBILITY FOR URBAN RENEWAL PROJECTS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 40-1415, Idaho Code, be, and the same is hereby amended to read as follows:

40-1415. RESPONSIBILITIES OF SINGLE ~~COUNTY-WIDE~~ COUNTYWIDE HIGHWAY DISTRICTS WITHIN CITIES -- FINAL DECISION ON URBAN RENEWAL PROJECTS -- SETTLEMENT OF QUESTIONS. (1) ~~County-wide~~ Countywide highway districts organized under the provisions of this chapter, within the limits of any city, shall be responsible for the design, construction, reconstruction and maintenance of city rights-of-way and accompanying curbs, gutters, culverts, sidewalks, paved medians, bulkheads and retaining walls. Within city rights-of-way, design, construction, reconstruction and maintenance shall include:

(a) Traffic and safety engineering for both motorist and pedestrian traffic;

(b) Procurement and installation of highway lighting where it is primarily of benefit to the motorist. Energy costs and maintenance of lighting shall subsequently be a function of the city;

(c) Procurement, installation, operation and maintenance of traffic control devices where they are needed for traffic control; and

(d) Drainage where it is necessary for motorist safety or necessary for right-of-way maintenance.

(2) Acquisition and acceptance of rights-of-way shall be the responsibility of the ~~county-wide~~ countywide highway district.

(3) In matters of urban renewal projects, the city involved shall make the final decision concerning approval of the project based on the overall plan of the city. Prior to approval of an urban renewal project, the city shall submit the plan to the highway district for review and recommendations in accordance with subsection (1) of this section. The highway district shall submit its written recommendations with respect to the proposed urban renewal plan to the city within thirty (30) days after receipt of the plan for review. Upon receipt of the recommendations of the highway district, or if no recommendations are received within thirty (30) days, then the city may proceed without recommendations with the hearing on the proposed urban renewal project, and the highway district shall be responsible, as between the city and the highway district, for funding the district's responsibilities as provided by subsection (1) of this section. However, for the highway district to be responsible for the funding of the design and construction of the proposed urban renewal project, the city or the urban renewal agency, or both, and the highway district must enter into an agreement pursuant to section 50-2908(2) (a), Idaho Code. Agreements entered into by a city pursuant to an urban renewal project prior to dissolution of the city highway system and organization of the successor highway district shall be binding upon the ~~county-wide~~ countywide highway district.

(4) The highway district shall be responsible for planning and location of rights-of-way. In planning for and determining location of rights-of-way, the highway district shall submit to the appropriate planning agency the proposed location of the rights-of-way. In locating rights-of-way, the highway district shall take into consideration the comprehensive general plan of the appropriate county or city planning agency. In planning for the location of rights-of-way, the highway district shall comply with all appropriate provisions of chapter 65, title 67, Idaho Code.

(5) The city shall retain jurisdiction and responsibility for outstanding local improvement district bonds or warrants sold or issued by the city prior to dissolution of the city highway system and organization of the successor highway district.

(6) All subdivision plats required to be submitted for acceptance and approval to the city and the county under the provisions of chapter 13, title 50, Idaho Code, shall be submitted to the highway district for consideration for acceptance and approval as to continuity of highway pattern, widths, drainage provisions, right-of-way construction standards, traffic flow, the traffic volume demand occasioned by the proposed subdivision either within or without the boundaries of the proposed subdivision, and other matters pertaining to the function of the highway district.

(7) Within the limits of any city, the city may expend city funds for the placement, care and removal of trees, shrubs, grass, and other plants, ~~which that~~ that are located within the rights-of-way of any highway of the ~~county-wide~~ countywide highway district.

(8) A city, after advising the board of highway district commissioners of its intent, shall be responsible for the placement, care and removal of any parking meters within the limits of any city, and for the enforcement of ordinances regulating the use of parking meters, ~~which that~~ that are located within the rights-of-way of any highway of the ~~county-wide~~ countywide highway district. The city shall be entitled to all of the revenues received from parking meters.

CHAPTER 274
(S.B. No. 1143, As Amended)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-4404, IDAHO CODE, TO REVISE PROVISIONS REGARDING STANDARDS FOR MEDICARE SUPPLEMENT POLICIES AND CERTIFICATES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 41-4404, Idaho Code, be, and the same is hereby amended to read as follows:

41-4404. STANDARDS FOR POLICY PROVISIONS AND AUTHORITY TO PROMULGATE RULES. (1) No medicare supplement policy or certificate in force in this state shall contain benefits that duplicate benefits provided by medicare.

(2) Notwithstanding any other provision of law of this state, a medicare supplement policy or certificate shall not exclude or limit benefits for loss incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.

(3) The director may adopt reasonable rules to establish specific standards for policy provisions of medicare supplement policies and certificates. The standards shall be in addition to and in accordance with applicable laws of this state, including chapter 21, title 41, Idaho Code, disability insurance policies. No requirement of the insurance code relating to minimum required policy benefits, other than the minimum standards contained in this chapter, shall apply to medicare supplement policies and certificates. The standards may cover, but not be limited to:

(a) Terms of renewability;

(b) Initial and subsequent conditions of eligibility, including an annual period during which a policyholder may terminate an existing medicare supplement policy and be eligible to purchase any other comparable or lesser medicare supplement policy on a guaranteed issue basis;

(c) Nonduplication of coverage;

(d) Probationary periods;

(e) Benefit limitations, exceptions and reductions;

(f) Elimination periods;

(g) Requirements for replacement;

(h) Recurrent conditions;

(i) Definition of terms;

(j) Open enrollment; and

(k) Attained age rating prohibited; issue age rating prohibited for policies issued after February 28, 2022; and community rating permitted.

(4) The director may adopt reasonable rules to establish minimum standards for benefits, claims payment, marketing practices and compensation arrangements, and reporting practices, for medicare supplement policies and certificates.

(5) The director may adopt from time to time reasonable rules necessary to conform medicare supplement policies and certificates to the requirements of federal law and regulations promulgated thereunder, including, but not limited to:

- (a) Requiring refunds or credits if the policies or certificates do not meet loss ratio requirements;
- (b) Establishing a uniform methodology for calculating and reporting loss ratios;
- (c) Assuring public access to all policies, premiums and loss ratio information of issuers of medicare supplement insurance;
- (d) Establishing a process for approving or disapproving policy forms and certificate forms and proposed premium increases;
- (e) Establishing a policy for holding public hearings prior to approval of premium increases; and
- (f) Establishing standards for medicare select policies and certificates.

(6) The director may adopt reasonable rules that specify prohibited policy provisions not otherwise specifically authorized by statute ~~which that~~, in the opinion of the director, are unjust, unfair, or unfairly discriminatory to any person insured or proposed to be insured under a medicare supplement policy or certificate.

Approved April 22, 2021

CHAPTER 275
(S.B. No. 1168, As Amended)

AN ACT

RELATING TO ELECTIONS; AMENDING CHAPTER 2, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-218, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING FUNDING FOR THE ADMINISTRATION OF ELECTIONS.

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

SECTION 1. That Chapter 2, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-218, Idaho Code, and to read as follows:

34-218. ELECTION ADMINISTRATION -- PRIVATE MONEYS PROHIBITED. Elections held in this state must be funded only by lawful appropriations from the government of the United States, the state of Idaho, or other local governments, including counties, cities, and special taxing districts. No county clerk, local elections office, or other local governing body administering or conducting an election may accept or expend moneys in any amount or accept any items or goods with a total value in excess of one hundred dollars (\$100) from any private persons, corporations, organizations, business entities, political parties, or any other private entity. This section does not apply to the collection of fees authorized by law or to the donation of a facility or space for the use of election officials in holding an election.

Approved April 22, 2021

CHAPTER 276
(S.B. No. 1195)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2022; 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, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$2,778,800	\$1,007,400	\$2,250,000	\$6,036,200
Idaho Opportunity				
Fund			3,000,000	3,000,000
Tourism and Promotion				
Fund	877,800	8,407,700	7,445,800	16,731,300
Miscellaneous Revenue				
Fund		157,500		157,500
Seminars and Publications				
Fund		378,400		378,400
Federal Grant				
Fund	<u>424,100</u>	<u>249,100</u>	<u>10,620,800</u>	<u>11,294,000</u>
TOTAL	\$4,080,700	\$10,200,100	\$23,316,600	\$37,597,400

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, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 22, 2021

CHAPTER 277
(S.B. No. 1196)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Department of Labor the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. DETERMINATIONS:					
FROM:					
General					
Fund	\$334,400	\$80,800			\$415,200
Unemployment Penalty and Interest					
Fund	2,280,800	1,184,500			3,465,300
Employment Security Special Administration					
Fund		1,000,000			1,000,000
Miscellaneous Revenue					
Fund	2,365,500	4,235,700		\$15,000	6,616,200
Federal Grant					
Fund	<u>25,691,900</u>	<u>7,233,700</u>	<u>\$794,200</u>	<u>2,000,000</u>	<u>35,719,800</u>
TOTAL	\$30,672,600	\$13,734,700	\$794,200	\$2,015,000	\$47,216,500
II. WORKFORCE AND COMMISSIONS:					
FROM:					
General					
Fund	\$5,400	\$2,500			\$7,900
Unemployment Penalty and Interest					
Fund	1,046,900	355,600	\$176,100		1,578,600
Employment Security Special Administration					
Fund	961,800	729,400			1,691,200
Miscellaneous Revenue					
Fund	220,100	205,500			425,600
Federal Grant					
Fund	<u>14,316,200</u>	<u>5,335,900</u>	<u>0</u>	<u>\$14,670,800</u>	<u>34,322,900</u>
TOTAL	\$16,550,400	\$6,628,900	\$176,100	\$14,670,800	\$38,026,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. ADMINISTRATIVE SERVICES:					
FROM:					
General					
Fund	\$85,000	\$30,000			\$115,000
Unemployment Penalty and Interest					
Fund	418,000	1,000,000			1,418,000
Employment Security Special Administration					
Fund	91,700	720,000			811,700
Miscellaneous Revenue					
Fund	181,100	50,000			231,100
Federal Grant					
Fund	<u>8,364,600</u>	<u>4,156,300</u>	<u>\$75,100</u>		<u>12,596,000</u>
TOTAL	\$9,140,400	\$5,956,300	\$75,100		\$15,171,800
GRAND TOTAL	\$56,363,400	\$26,319,900	\$1,045,400	\$16,685,800	\$100,414,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Labor is authorized no more than seven hundred eight and fifty-eight hundredths (708.58) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. The Department of Labor is hereby exempted from the provisions of Section 67-3511(2), Idaho Code, allowing unlimited transfers between programs for all moneys appropriated to it for the period July 1, 2021, through June 30, 2022. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 22, 2021

CHAPTER 278
(S.B. No. 1197)

AN ACT

RELATING TO THE APPROPRIATION TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2022; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Board of Tax Appeals the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2021, through June 30, 2022:

FOR:

Personnel Costs	\$550,600
Operating Expenditures	48,800
Capital Outlay	<u>45,000</u>
TOTAL	\$644,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Board of Tax Appeals is authorized no more than five (5.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 22, 2021

CHAPTER 279
(S.B. No. 1198)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND AMENDING SECTION 63-102, IDAHO CODE, TO INCREASE THE SALARIES OF THE STATE TAX COMMISSIONERS.

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, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. GENERAL SERVICES:				
FROM:				
General				
Fund	\$5,313,600	\$7,234,600		\$12,548,200
Multistate Tax Compact				
Fund	121,100	583,500	\$57,200	761,800
Administration and Accounting				
Fund	37,800	27,200	2,500	67,500
Administration Services for Transportation				
Fund	734,100	890,600	191,800	1,816,500
Seminars and Publications				
Fund	<u>0</u>	<u>19,100</u>	<u>5,600</u>	<u>24,700</u>
TOTAL	\$6,206,600	\$8,755,000	\$257,100	\$15,218,700
II. AUDIT DIVISION:				
FROM:				
General				
Fund	\$8,123,600	\$698,100		\$8,821,700
Multistate Tax Compact				
Fund	1,715,300	493,700		2,209,000
Administration and Accounting				
Fund	15,800	24,400		40,200
Administration Services for Transportation				
Fund	1,782,900	345,500		2,128,400
Federal Grant				
Fund	<u>0</u>	<u>8,000</u>		<u>8,000</u>
TOTAL	\$11,637,600	\$1,569,700		\$13,207,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
III. COLLECTION DIVISION:				
FROM:				
General				
Fund	\$6,859,700	\$753,100		\$7,612,800
Administration Services for Transportation				
Fund	<u>209,900</u>	<u>27,500</u>		<u>237,400</u>
TOTAL	\$7,069,600	\$780,600		\$7,850,200
IV. REVENUE OPERATIONS:				
FROM:				
General				
Fund	\$3,835,800	\$1,223,600		\$5,059,400
Multistate Tax Compact				
Fund		4,000		4,000
Administration and Accounting				
Fund	90,400	17,100		107,500
Administration Services for Transportation				
Fund	621,500	254,300	\$2,300	878,100
Seminars and Publications				
Fund	<u>0</u>	<u>26,400</u>	<u>0</u>	<u>26,400</u>
TOTAL	\$4,547,700	\$1,525,400	\$2,300	\$6,075,400
V. PROPERTY TAX:				
FROM:				
General				
Fund	\$3,540,700	\$292,000		\$3,832,700
Seminars and Publications				
Fund	<u>0</u>	<u>171,000</u>		<u>171,000</u>
TOTAL	\$3,540,700	\$463,000		\$4,003,700
GRAND TOTAL	\$33,002,200	\$13,093,700	\$259,400	\$46,355,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Tax Commission is authorized no more than four hundred forty-three (443.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, 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, 2020~~1~~, the annual salary for members of the state tax commission shall be one hundred ~~four~~ six thousand ~~ninety~~ seventy-two dollars (~~\$104,090~~106,072).

(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.

Approved April 22, 2021

CHAPTER 280
(S.B. No. 1199)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF COMMERCE; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE IDAHO BROADBAND FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE IDAHO OPPORTUNITY FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE FROM THE IDAHO BROADBAND FUND FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE FROM THE FEDERAL COVID-19 RELIEF FUND FOR THE IDAHO FOODBANK FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE FROM THE FEDERAL COVID-19 RELIEF FUND FOR BROADBAND INFRASTRUCTURE FOR FISCAL YEAR 2021; PROVIDING REAPPROPRIATION AUTHORITY FROM THE IDAHO BROADBAND FUND; PROVIDING REAPPROPRIATION AUTHORITY FROM THE FEDERAL COVID-19 RELIEF FUND; PROVIDING OVERSIGHT AUTHORITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the Office of the State Controller shall transfer \$35,000,000 from the General Fund to the Idaho Broadband Fund as soon as practicable for the period July 1, 2020, through June 30, 2021.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$1,000,000 from the General Fund to the Idaho Opportunity Fund as soon as practicable for the period July 1, 2020, through June 30, 2021.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 236, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Department of Commerce \$35,000,000 from the Idaho Broadband Fund to be expended for trustee and benefit payments for the period July 1, 2020, through June 30, 2021, for the purpose of providing financial assistance in broadband infrastructure.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 236, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Department of Commerce \$3,600,000 from the Federal COVID-19 Relief Fund to be expended for trustee and benefit payments for the period July 1, 2020, through June 30, 2021, for the Idaho Foodbank.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 236, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Department of Commerce \$10,000,000 from the Federal COVID-19 Relief Fund to be expended for trustee and benefit payments for the period July 1, 2020, through June 30, 2021, for the purpose of providing financial assistance in broadband infrastructure.

SECTION 6. REAPPROPRIATION AUTHORITY FOR THE IDAHO BROADBAND FUND. There is hereby reappropriated to the Department of Commerce any unexpended and unencumbered balances appropriated to the Department of Commerce from the Idaho Broadband Fund for fiscal year 2021 to be used for nonrecurring expenditures related to providing financial assistance in broadband infrastructure for the period July 1, 2021, through June 30, 2022. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 7. REAPPROPRIATION AUTHORITY FOR THE FEDERAL COVID-19 RELIEF FUND. There is hereby reappropriated to the Department of Commerce any unexpended and unencumbered balances appropriated to the Department of Commerce from the Federal COVID-19 Relief Fund for the purpose of providing financial assistance in broadband infrastructure for fiscal year 2021, in an amount not to exceed \$10,000,000, to be used for nonrecurring expenditures related to providing financial assistance in broadband infrastructure for the period July 1, 2021, through June 30, 2022. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 8. OVERSIGHT OF MONEYS. Notwithstanding any other provision of law to the contrary, the Idaho Broadband Advisory Board shall have oversight authority over the distribution or expenditure of the moneys appropriated in Section 5 of this act and reappropriated in Section 7 of this act.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 3, 4, 5, and 8 of this act shall be in full force and effect on and after passage and approval.

Approved April 22, 2021

CHAPTER 281
(H.B. No. 336)

AN ACT

RELATING TO JUVENILES; AMENDING SECTION 16-1602, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1604, IDAHO CODE, TO PROVIDE FOR RETENTION OF JURISDICTION UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 16-1619, IDAHO CODE, TO REVISE PROVISIONS REGARDING ADJUDICATORY HEARINGS; AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1619A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PLACEMENT OF CERTAIN CHILDREN IN QUALIFIED RESIDENTIAL TREATMENT PROGRAMS; AMENDING SECTION 16-1620, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE SHALL DOCUMENT CERTAIN INFORMATION AT HEARINGS REGARDING CHILDREN PLACED IN QUALIFIED RESIDENTIAL TREATMENT PROGRAMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1621, IDAHO CODE, TO PROVIDE THAT A CASE PLAN FOR A CHILD PLACED IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM SHALL INCLUDE AN ASSESSMENT REPORT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 16-1622, IDAHO CODE, TO PROVIDE A CODE REFERENCE, TO PROVIDE THAT A PERMANENCY PLAN SHALL BE ENTERED INTO A CERTAIN RECORD, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE SHALL DOCUMENT CERTAIN INFORMATION AT HEARINGS REGARDING CHILDREN PLACED IN QUALIFIED RESIDENTIAL TREATMENT PROGRAMS, TO PROVIDE FOR AN EXTENSION OF FOSTER CARE UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 16-1602, Idaho Code, be, and the same is hereby amended to read as follows:

16-1602. DEFINITIONS. For purposes of this chapter:

- (1) "Abused" means any case in which a child has been the victim of:
 - (a) Conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, head injury, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or
 - (b) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, human trafficking as defined in section 18-8602, Idaho Code, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.
- (2) "Abandoned" means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.
- (3) "Adaptive equipment" means any piece of equipment or any item that is used to increase, maintain or improve the parenting capabilities of a parent with a disability.

(4) "Adjudicatory hearing" means a hearing to determine:

(a) Whether the child comes under the jurisdiction of the court pursuant to the provisions of this chapter;

(b) Whether continuation of the child in the home would be contrary to the child's welfare and whether the best interest of the child requires protective supervision or vesting legal custody of the child in an authorized agency.

(5) "Age of developmentally appropriate" means:

(a) Activities that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and

(b) In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical and behavioral capacities of the child.

(6) "Aggravated circumstances" includes, but is not limited to:

(a) Circumstances in which the parent has engaged in any of the following:

(i) Abandonment, chronic abuse or chronic neglect of the child. Chronic neglect or chronic abuse of a child shall consist of abuse or neglect that is so extreme or repetitious as to indicate that return of the child to the home would result in unacceptable risk to the health and welfare of the child.

(ii) Sexual abuse against a child of the parent. Sexual abuse, for the purposes of this section, includes any conduct described in section 18-1506, 18-1506A, 18-1507, 18-1508, 18-1508A, 18-6101, 18-6608 or 18-8602, Idaho Code.

(iii) Torture of a child; ~~any.~~ Any conduct listed in section 18-8303(1), Idaho Code; battery or an injury to a child that results in serious or great bodily injury to a child; voluntary manslaughter of a child, or aiding or abetting such voluntary manslaughter, soliciting such voluntary manslaughter or attempting or conspiring to commit such voluntary manslaughter;

(b) The parent has committed murder, aided or abetted a murder, solicited a murder or attempted or conspired to commit murder; or

(c) The parental rights of the parent to another child have been terminated involuntarily.

(7) "Authorized agency" means the department, a local agency, a person, an organization, corporation, benevolent society or association licensed or approved by the department or the court to receive children for control, care, maintenance or placement.

(8) "Caregiver" means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

(9) "Case plan hearing" means a hearing to approve, modify or reject the case plan as provided in section 16-1621, Idaho Code.

(10) "Child" means an individual who is under the age of eighteen (18) years.

(11) "Child advocacy center" or "CAC" means an organization that adheres to national best practice standards established by the national membership and accrediting body for children's advocacy centers and that promotes a comprehensive and coordinated multidisciplinary team response to allegations of child abuse by maintaining a child-friendly facility at which appropriate services are provided. These services may include forensic interviews, forensic medical examinations, mental health services and other related victim services.

(12) "Circumstances of the child" includes, but is not limited to, the joint legal custody or joint physical custody of the child.

(13) "Commit" means to transfer legal and physical custody.

(14) "Concurrent planning" means a planning model that prepares for and implements different outcomes at the same time.

(15) "Court" means district court or magistrate's division thereof, or, if the context requires, a magistrate or judge thereof.

(16) "Custodian" means a person, other than a parent or legal guardian, to whom legal or joint legal custody of the child has been given by court order.

(17) "Department" means the department of health and welfare and its authorized representatives.

(18) "Disability" means, with respect to an individual, any mental or physical impairment that substantially limits one (1) or more major life activity activities of the individual including, but not limited to, self-care, manual tasks, walking, seeing, hearing, speaking, learning or working, or a record of such an impairment, or being regarded as having such an impairment. Disability shall not include transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, other sexual behavior disorders, or substance use disorders, compulsive gambling, kleptomania or pyromania. Sexual preference or orientation is not considered an impairment or disability. Whether an impairment substantially limits a major life activity shall be determined without consideration of the effect of corrective or mitigating measures used to reduce the effects of the impairment.

(19) "Family or household member" shall have the same meaning as in section 39-6303(6), Idaho Code.

(20) "Foster care" means twenty-four (24) hour substitute parental care for children placed away from their parents or guardians by persons who may or may not be related to the children and for whom the state agency has placement and care responsibility.

(21) "Foster parent" means a person or persons licensed to provide foster care.

(22) "Grant administrator" means the supreme court or any organization or agency as may be designated by the supreme court in accordance with such procedures as may be adopted by the supreme court. The grant administrator shall administer funds from the guardian ad litem account in accordance with the provisions of this chapter.

(23) "Guardian ad litem" means a person appointed by the court pursuant to a guardian ad litem volunteer program to act as special advocate for a child under this chapter.

(24) "Guardian ad litem coordinator" means a person or entity receiving moneys from the grant administrator for the purpose of carrying out any of the duties set forth in section 16-1632, Idaho Code.

(25) "Guardian ad litem program" means the program to recruit, train and coordinate volunteer persons to serve as guardians ad litem for abused, neglected or abandoned children.

(26) "Homeless," as used in this chapter, shall mean that the child is without adequate shelter or other living facilities, and the lack of such shelter or other living facilities poses a threat to the health, safety or well-being of the child.

(27) "Idaho network of children's advocacy centers" means an organization that provides education and technical assistance to child advocacy centers and to interagency multidisciplinary teams developed pursuant to section 16-1617, Idaho Code.

(28) "Law enforcement agency" means a city police department, the prosecuting attorney of any county, state law enforcement officers, or the office of a sheriff of any county.

(29) "Legal custody" means a relationship created by court order, which vests in a custodian the following rights and responsibilities:

(a) To have physical custody and control of the child, and to determine where and with whom the child shall live.

(b) To supply the child with food, clothing, shelter and incidental necessities.

(c) To provide the child with care, education and discipline.

(d) To authorize ordinary medical, dental, psychiatric, psychological, or other remedial care and treatment for the child, including care and treatment in a facility with a program of services for children, and to authorize surgery if the surgery is deemed by two (2) physicians licensed to practice in this state to be necessary for the child.

(e) Where the parents share legal custody, the custodian may be vested with the custody previously held by either or both parents.

(30) "Mental injury" means a substantial impairment in the intellectual or psychological ability of a child to function within a normal range of performance and/or behavior, for short or long terms.

(31) "Neglected" means a child:

(a) Who is without proper parental care and control, or subsistence, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; however, no child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well-being, but this subsection shall not prevent the court from acting pursuant to section 16-1627, Idaho Code; or

(b) Whose parents, guardian or other custodian ~~are~~ is unable to discharge ~~their~~ the responsibilities to and for the child and, as a result of such inability, the child lacks the parental care necessary for his health, safety or well-being; or

(c) Who has been placed for care or adoption in violation of law; or

(d) Who is without proper education because of the failure to comply with section 33-202, Idaho Code.

(32) "Permanency hearing" means a hearing to review, approve, reject or modify the permanency plan of the department, ~~and~~ to review reasonable efforts in accomplishing the permanency plan.

(33) "Permanency plan" means a plan for a continuous residence and maintenance of nurturing relationships during the child's minority.

(34) "Protective order" means an order issued by the court in a child protection case, prior to the adjudicatory hearing, to enable the child to remain in the home pursuant to section 16-1615(8), Idaho Code, or following an adjudicatory hearing to preserve the unity of the family and to ensure the best interests of the child, pursuant to section 16-1619(10), Idaho Code. Such an order shall be in the same form and have the same effect as a domestic violence protection order issued pursuant to chapter 63, title 39, Idaho Code. A protective order shall be for a period not to exceed three (3) months unless otherwise stated in the order.

(35) "Protective supervision" is a legal status created by court order in a child protective case whereby the child is in the legal custody of his or her parent(s), guardian(s) or other legal custodian(s), subject to supervision by the department.

(36) "Psychotropic medication" means a drug prescribed to affect psychological functioning, perception, behavior or mood. Psychotropic medications include, but are not limited to, antidepressants, mood stabilizers, antipsychotics, antianxiety medications, sedatives and stimulants.

(37) "Qualified individual" means a trained professional or licensed clinician who is not connected to or affiliated with any placement setting in which children are placed by the department and who is not an employee of child and family services, unless a waiver has been approved by the authorized agency.

(38) "Qualified residential treatment program" means a program that has a trauma-informed treatment model designed to address the needs of children with serious emotional or behavioral disorders or disturbances, is able to implement the treatment identified for the child by the assessment of the child required under section 16-1619A(2), Idaho Code, and is licensed and accredited in accordance with state and federal law.

(379) "Reasonable and prudent parent standard" means the standard of care characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while simultaneously encouraging the emotional and developmental growth of the child that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural or social activities.

(3840) "Relative" means a child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, first cousin, sibling and half-sibling.

(3941) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parents after the transfer of legal custody including, but not necessarily limited to, the right of visitation, the right to consent to adoption, the right to determine religious affiliation, the right to family counseling when beneficial, and the responsibility for support.

(402) "Shelter care" means places designated by the department for temporary care of children pending court disposition or placement.

(413) "Supportive services," as used in this chapter, shall mean services that assist parents with a disability to compensate for those aspects of their disability that affect their ability to care for their child and that will enable them to discharge their parental responsibilities. The term includes specialized or adapted training, evaluations or assistance with effectively using adaptive equipment and accommodations that allow parents with a disability to benefit from other services including, but not limited to, Braille texts or sign language interpreters.

SECTION 2. That Section 16-1604, Idaho Code, be, and the same is hereby amended to read as follows:

16-1604. RETENTION OF JURISDICTION. (1) Jurisdiction obtained by the court under this chapter shall be retained until the child's eighteenth birthday, unless terminated prior thereto or extended by the court pursuant to section 16-1622(5), Idaho Code. Jurisdiction of the court shall not be terminated by an order of termination of parental rights if guardianship and/or custody of the child is placed with the department of health and welfare.

(2) The parties have an ongoing duty to inquire concerning, and inform the court as soon as possible about, any other pending actions or current orders involving the child. In the event there are conflicting orders from Idaho courts concerning the child, the child protection order is controlling.

SECTION 3. That Section 16-1619, Idaho Code, be, and the same is hereby amended to read as follows:

16-1619. ADJUDICATORY HEARING -- CONDUCT OF HEARING -- CONSOLIDATION. (1) When a petition has been filed, the court shall set an adjudicatory hearing to be held no later than thirty (30) days after the filing of the petition.

(2) A pretrial conference shall be held outside the presence of the court within three (3) to five (5) days before the adjudicatory hearing. Investigative reports required under section 16-1616, Idaho Code, shall be delivered to the court with copies to each of the parents and other legal custodians, guardian ad litem and attorney for the child prior to the pretrial conference.

(3) At the adjudicatory hearing, parents or guardians with disabilities shall have the right to introduce admissible evidence regarding how use of adaptive equipment or supportive services may enable the parent or guardian to carry out the responsibilities of parenting the child by addressing the reason for the removal of the child.

(4) If a preponderance of the evidence at the adjudicatory hearing shows that the child comes within the court's jurisdiction under this chapter upon the grounds set forth in section 16-1603, Idaho Code, the court shall so decree and in its decree shall make a finding on the record of the facts and conclusions of law upon which it exercises jurisdiction over the child.

(5) Upon entering its decree, the court shall consider any information relevant to the disposition of the child but in any event shall:

(a) Place the child under the protective supervision of the department for an indeterminate period not to exceed the child's eighteenth birthday; or

(b) Vest legal custody in the department or other authorized agency subject to residual parental rights and subject to full judicial review by the court and, when contested by any party, judicial approval of all matters relating to the custody of the child by the department or other authorized agency. If the department has placed the child in a qualified residential treatment program, the court shall approve or disapprove the placement within sixty (60) days of placement in accordance with section 16-1619A, Idaho Code.

(6) If the court vests legal custody in the department or other authorized agency, the court shall make detailed written findings based on facts in the record that, in addition to the findings required in subsection (4) of this section, continuation of residence in the home would be contrary to the welfare of the child and that vesting legal custody with the department or other authorized agency would be in the best interests of the child. In addition, the court shall make detailed written findings based on facts in the record as to whether the department made reasonable efforts to prevent the placement of the child in foster care, including findings, when appropriate, that:

(a) Reasonable efforts were made but were not successful in eliminating the need for foster care placement of the child;

(b) The department made reasonable efforts to prevent removal but was not able to safely provide preventive services;

(c) Reasonable efforts to temporarily place the child with related persons were made but were not successful; or

(d) Reasonable efforts to reunify the child with one (1) or both parents were not required because aggravated circumstances were present. If aggravated circumstances are found, a permanency hearing for the child shall be held within thirty (30) days of the determination of aggravated circumstances.

- (7) (a) The court shall also inquire regarding:
- (i) Whether there is reason to believe that the child is an Indian child;
 - (ii) The efforts that have been made since the last hearing to determine whether the child is an Indian child; and
 - (iii) The department's efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership.
- (b) In addition, if the court vests legal custody of the child in the department or other authorized agency, the court shall inquire as to:
- (i) If the child is of school age, the department's efforts to keep the child in the school at which the child is currently enrolled; and
 - (ii) If a sibling group was removed from the home, the department's efforts to place the siblings together, or if the department has not placed or will not be placing the siblings together, about a plan to ensure frequent visitation or ongoing interaction among the siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings.
- (c) If the court vests legal custody of the child in the department or other authorized agency and the child is being treated with psychotropic medication, these additional requirements shall apply:
- (i) The department shall report to the court the medications and dosages prescribed for the child and the medical professional who prescribed the medication; and
 - (ii) The court shall inquire about and may make any additional inquiry relevant to the use of psychotropic medications.
- (8) A decree vesting legal custody in the department shall be binding upon the department and may continue until the child's eighteenth birthday.
- (9) A decree vesting legal custody in an authorized agency other than the department shall be for a period of time not to exceed the child's eighteenth birthday and on such other terms as the court shall state in its decree to be in the best interests of the child and which the court finds to be acceptable to such authorized agency.
- (10) In order to preserve the unity of the family system and to ensure the best interests of the child, whether issuing an order of protective supervision or an order of legal custody, the court may consider extending or initiating a protective order as part of the decree. The protective order shall be determined as in the best interests of the child and upon a showing of continuing danger to the child. The conditions and terms of the protective order shall be clearly stated in the decree.
- (11) If the court does not find that the child comes within the jurisdiction of this chapter pursuant to subsection (4) of this section, it shall dismiss the petition.
- (12) Where legal custody of a child is vested in the department, any party or counsel for a child may, at or after the disposition phase of an adjudicatory hearing, file and serve a written motion to contest matters relating to the placement of the child by the department. The hearing must be held no later than thirty (30) days from the date the motion was filed. If the court approves the placement, the court shall enter an order denying the motion. If the court does not approve the placement, the court shall enter an order directing the department to identify and implement an alternative placement in accordance with applicable law. The court shall consider everything necessary or proper in the best interests of the children. The court shall consider all relevant factors, which may include:

- (a) The wishes of the child regarding the child's custodian;
- (b) The wishes of the child's parent or parents regarding the child's custody, if appropriate;
- (c) The interaction and interrelationship of the child with his parent or parents or foster parent or foster parents, and the child's siblings;
- (d) The child's adjustment to his home, school and community;
- (e) The character and circumstances of all individuals involved;
- (f) The need to promote continuity and stability in the life of the child; and
- (g) A history of domestic violence as defined in section 39-6303, Idaho Code, whether or not in the presence of the child, or a conviction for lewd and lascivious conduct or felony injury to a child.

SECTION 4. That Chapter 16, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-1619A, Idaho Code, and to read as follows:

16-1619A. PLACEMENT OF A CHILD IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM. (1) Where legal custody of a child is vested in the department, and the department places the child in a qualified residential treatment program, the department shall file a notice of the placement with the court within seven (7) days of the placement. The notice shall identify the placement and the date of the placement.

(2) Within thirty (30) days of the date of placement, a qualified individual shall conduct a placement assessment and prepare a written assessment report. The qualified individual shall:

- (a) Assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool;
- (b) Determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, the specialized setting that will provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals for the child, as set forth in the case plan or permanency plan currently in effect;
- (c) Develop a list of child-specific short-term and long-term mental and behavioral health goals;
- (d) Work in conjunction with the family of, and the permanency team for, the child while conducting the assessment; and
- (e) Prepare an assessment specifying:
 - (i) Why the needs of the child cannot be met by the family of the child or in a foster home; and
 - (ii) Why the recommended placement in a qualified residential treatment program is the setting that will provide the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short-term and long-term goals for the child, as set forth in the case plan or the permanency plan currently in effect.

(3) The department shall prepare a written case plan for the child or amend the case plan if it has been previously ordered by the court and shall include the assessment report of the qualified individual.

(4) Within sixty (60) days of the start of each placement in a qualified residential treatment program, the court shall:

- (a) Consider the assessment, determination, and documentation made by the qualified individual;

(b) Determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child; and

(c) Approve or disapprove the placement.

(5) The assessment by the qualified individual and the court's determination to approve or disapprove the placement in a qualified residential treatment program shall be made part of the case plan for the child. If the court approves the placement in a qualified residential treatment program, the court shall order the amended case plan for the child.

SECTION 5. That Section 16-1620, Idaho Code, be, and the same is hereby amended to read as follows:

16-1620. FINDING OF AGGRAVATED CIRCUMSTANCES -- PERMANENCY PLAN -- HEARING. (1) After a judicial determination that reasonable efforts to return the child to his home are not required because aggravated circumstances were found to be present, the court shall hold a permanency hearing within thirty (30) days after the finding, and every twelve (12) months thereafter for as long as the court has jurisdiction. The department shall prepare a permanency plan and file the permanency plan with the court at least five (5) days prior to the permanency hearing. If the permanency plan has a goal of termination of parental rights and adoption, the department shall file the petition to terminate as required in section 16-1624(2), Idaho Code. Copies of the permanency plan shall be delivered to the parents and other legal guardians, prosecuting attorney or deputy attorney general, the guardian ad litem and attorney for the child.

(2) The permanency plan shall have a permanency goal of termination of parental rights and adoption, guardianship or, for youth age sixteen (16) years and older only, another planned permanent living arrangement and shall set forth the reasonable efforts necessary to finalize the permanency goal.

(3) The permanency plan shall also:

(a) Identify the services to be provided to the child, including services to identify and meet any educational, emotional, physical or developmental needs the child may have, to assist the child in adjusting to the placement or to ensure the stability of the placement;

(b) Address all options for permanent placement of the child, including consideration of options for in-state and out-of-state placement of the child;

(c) Address the advantages and disadvantages of each option and include a recommendation as to which option is in the child's best interests;

(d) Specifically identify the actions necessary to implement the recommended option;

(e) Specifically set forth a schedule for accomplishing the actions necessary to implement the permanency goal;

(f) Address the options for maintaining the child's connection to the community, including individuals with a significant relationship to the child, and organizations or community activities with which the child has a significant connection. This shall also include the efforts made to ensure educational stability for the child, the efforts to keep the child in the school in which the child is enrolled at the time of placement or the reasons why remaining in that school is not in the best interests of the child;

- (g) Document that siblings were placed together, or, if siblings were not placed together, document the efforts made to place siblings together, the reasons why siblings were not placed together, and a plan for ensuring frequent visitation or ongoing interaction between the siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings;
- (h) For youth age fourteen (14) years and older:
- (i) Identify the services needed to assist the youth to make the transition from foster care to successful adulthood; and
 - (ii) Document the youth's rights in regard to his education, health, visitation, court participation and receipt of an annual credit report, including a signed acknowledgment by the department that the youth was provided with a written copy of these rights and that the rights were explained to the youth in an age-appropriate or developmentally appropriate manner;
- (i) For youth age sixteen (16) years and older with a proposed permanency goal of another planned permanent living arrangement, document:
- (i) The intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to place the youth with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;
 - (ii) Why another planned permanent living arrangement is the best permanency plan for the youth and compelling reasons why, as of the date of the permanency hearing, it would not be in the best interests of the youth to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;
 - (iii) The steps that the department has taken to ensure that the youth's foster parents or child care institution are following the reasonable and prudent parent standard when determining whether to allow the youth in their care to participate in extracurricular, enrichment, cultural and social activities; and
 - (iv) The opportunities provided to the youth to engage in age-appropriate or developmentally appropriate activities;
- (j) If there is reason to believe the child is an Indian child and there has been no final determination as to the child's status as an Indian child, document:
- (i) The efforts made to determine whether the child is an Indian child; and
 - (ii) The department's efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership; and
- (k) Identify the prospective adoptive parents, if known; if the prospective adoptive parents are not known, the department shall amend the plan to name the proposed adoptive parents as soon as such persons become known.
- (4) The court shall hold a permanency hearing to determine whether the best interests of the child ~~is~~ are served by adopting, rejecting or modifying the permanency plan proposed by the department. At each permanency hearing:
- (a) For youth age twelve (12) years and older, unless good cause is shown, the court shall ask the youth about his desired permanency outcome and consult with the youth about ~~the youth's~~ his current permanency plan;

(b) If there is reason to believe that the child is an Indian child and there has not been a final determination regarding the child's status as an Indian child, the court shall:

(i) Inquire about the efforts that have been made since the last hearing to determine whether the child is an Indian child; and

(ii) Determine that the department is using active efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership-;

(c) If the child is being treated with psychotropic medication, these additional requirements shall apply:

(i) The department shall report to the court the medication and dosage prescribed for the child and the medical professional who prescribed the medication; and

(ii) The court shall inquire as to, and may make any additional inquiry relevant to, the use of psychotropic medication-; and

(d) If a child is in the legal custody of the department and the court has approved placement of the child in a qualified residential treatment program, then at each hearing pursuant to this section and each hearing held pursuant to section 16-1622, Idaho Code, the department shall document:

(i) That ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child that is in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;

(ii) The specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

(iii) The efforts made by the department to prepare the child to return home or to be placed with a fit and willing relative, with a legal guardian, with an adoptive parent, or in a foster family home.

(5) Notice of the permanency hearing shall be provided to the parents and other legal guardians, prosecuting attorney or deputy attorney general, guardian ad litem, attorney for the child, the department and foster parents; provided however, that foster parents are not thereby made parties to the child protective act action.

(6) The permanency plan as approved by the court shall be entered into the record as an order of the court. The order may include interim and final deadlines for implementing the permanency plan and finalizing the permanency goal.

(7) For youth with a proposed or current permanency goal of another planned permanent living arrangement, at each permanency hearing the court shall make written, case-specific findings that as of the date of the permanency hearing another planned permanent living arrangement is the best permanency plan for the youth and that there are compelling reasons why it is not in the youth's best interests to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling.

(8) The court may authorize the department to suspend further efforts to reunify the child with the child's parent, pending further order of the court, when a petition or other motion is filed in a child protection proceeding seeking a determination of the court that aggravated circumstances were present.

SECTION 6. That Section 16-1621, Idaho Code, be, and the same is hereby amended to read as follows:

16-1621. CASE PLAN HEARING -- NO FINDING OF AGGRAVATED CIRCUMSTANCES. (1) In every case in which the child is determined to be within the jurisdiction of the court and there is no judicial determination that aggravated circumstances were present, the department shall prepare a written case plan, including cases in which the parent(s) is incarcerated. The court shall schedule a case plan hearing to be held within thirty (30) days after the adjudicatory hearing. The case plan shall be filed with the court no later than five (5) days prior to the case plan hearing. Copies of the case plan shall be delivered to the parents and other legal guardians, the prosecuting attorney or deputy attorney general, the guardian ad litem and attorney for the child.

(a) The court shall hold a case plan hearing to determine whether the best interests of the child ~~is~~ are served by adopting, rejecting or modifying the case plan proposed by the department.

(b) If there is reason to believe that the child is an Indian child and there has not been a final determination regarding the child's status as an Indian child, the court shall:

(i) Inquire about the efforts that have been made since the last hearing to determine whether the child is an Indian child; and

(ii) Determine that the department is using active efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership.

(c) If the child is being treated with psychotropic medication, the court shall inquire as to, and may make any additional inquiry relevant to, the use of psychotropic medication.

(2) Notice of the case plan hearing shall be provided to the parents, and other legal guardians, the prosecuting attorney or deputy attorney general, guardian ad litem, attorney for the child, the department, and foster parents. Although foster parents are provided notice of this hearing, they are not parties to the child protective act action.

(3) If the child is placed in the legal custody of the department, the case plan filed by the department shall set forth reasonable efforts that will be made to make it possible for the child to return home. The case plan shall also:

(a) Identify the services to be provided to the child, including services to identify and meet any educational, emotional, physical or developmental needs the child may have, and to assist the child in adjusting to the placement or to ensure the stability of the placement. For youth age fourteen (14) years and older:

(i) Identify the services needed to assist the youth in making the transition to successful adulthood; and

(ii) Document the youth's rights in regard to ~~his~~ education and health, visitation, court participation and receipt of an annual credit report, including a signed acknowledgment by the department that the youth was provided with a written copy of these rights and that the rights were explained to the youth in an age-appropriate or developmentally appropriate manner;

(b) Address the options for maintaining the child's connection to the community:

(i) Include connections to individuals with a significant relationship to the child and organizations or community activities with which the child has a significant connection;

(ii) Ensure educational stability for the child, including the efforts to keep the child in the school in which the child is enrolled at the time of placement or the reasons why remaining in that school is not in the best interests of the child;

(iii) Include a visitation plan and identify the need for supervision of visitation and child support;

(iv) ~~Document either~~ Either document that siblings were placed together or, if siblings were not placed together, document the efforts made to place the siblings together, the reasons why siblings were not placed together and a plan for ensuring frequent visitation or other ongoing interaction among siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings; and

(v) If there is reason to believe the child is an Indian child and there has been no final determination as to the child's status as an Indian child, document:

1. The efforts made to determine whether the child is an Indian child; and

2. The department's efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership;

(c) Include a goal of reunification and a plan for achieving that goal. The reunification plan shall identify all issues that need to be addressed before the child can safely be returned home without department supervision. The court may specifically identify issues to be addressed by the plan. The reunification plan shall specifically identify the tasks to be completed by the department, each parent or others to address each issue, including services to be made available by the department to the parents and in which the parents are required to participate, and deadlines for completion of each task. The case plan shall state with specificity the role of the department toward each parent. When appropriate, the reunification plan should identify terms for visitation, supervision of visitation and child support;

(d) Include a concurrent permanency goal and a plan for achieving that goal. The concurrent permanency goal may be one (1) of the following: termination of parental rights and adoption, guardianship or, for youth age sixteen (16) years or older only, another planned permanent living arrangement. The concurrent plan shall:

(i) Address all options for permanent placement of the child, including consideration of options for in-state and out-of-state placement of the child;

(ii) Address the advantages and disadvantages of each option and include a recommendation as to which option is in the child's best interests;

(iii) Specifically identify the actions necessary to implement the recommended option;

(iv) Specifically set forth a schedule for accomplishing the actions necessary to implement the concurrent permanency goal;

(v) Address options for maintaining the child's connection to the community, including individuals with a significant relationship to the child and organizations or community activities with which the child has a significant connection;

(vi) Identify the names of the proposed adoptive parents when known if the permanency goal is termination of parental rights and adoption;

(vii) In the case of a child who has attained the age of fourteen (14) years, include the services needed to assist the child to make the transition from foster care to successful adulthood;

(viii) For youth with a proposed permanency goal of another permanent planned living arrangement, document:

1. The intensive, ongoing and, as of the date of the hearing, unsuccessful efforts made to place the youth with a parent in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;
2. Why another planned permanent living arrangement is the best permanency goal for the youth and a compelling reason why, as of the date of the case plan hearing, it would not be in the best interests of the child to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;
3. The steps taken by the department to ensure that the youth's foster parents or child care institution are following the reasonable and prudent parent standard when making decisions about whether the youth can engage in extracurricular, enrichment, cultural and social activities; and
4. The opportunities provided to the youth to regularly engage in age-appropriate or developmentally appropriate activities; and

(ix) Identify further investigation necessary to identify or assess other options for permanent placement, to identify actions necessary to implement the recommended placement or to identify options for maintaining the child's significant connections.

(4) If the child has been placed under protective supervision of the department, the case plan filed by the department shall:

(a) Identify the services to be provided to the child, including services to identify and meet any educational, emotional, physical or developmental needs the child may have, and to assist the child in adjusting to the placement or to ensure the stability of the placement. For youth age fourteen (14) years and older, identify the services needed to assist the youth in making the transition to successful adulthood and document the youth's rights in regard to ~~his~~ education and health, visitation, court participation and receipt of an annual credit report, including a signed acknowledgment by the department that the youth was provided with a written copy of ~~his~~ the youth's rights and that the rights were explained to the youth in an age-appropriate or developmentally appropriate manner. The plan shall also address options for maintaining the child's connection to the community, including individuals with a significant relationship to the child and organizations or community activities with which the child has a significant connection;

(b) Identify all issues that need to be addressed to allow the child to remain at home without department supervision. The court may specifically identify issues to be addressed by the plan. The case plan shall specifically identify the tasks to be completed by the department, the parents or others to address each issue, including services to be made available by the department to the parents and in which the parents are required to participate, and deadlines for completion of each task. The plan shall state with specificity the role of the department toward each parent.

(5) If the child is placed in a qualified residential treatment program, then the case plan shall include the assessment report of the qualified individual.

(6) The case plan, as approved by the court, shall be entered into the record as an order of the court. The order may include interim and final deadlines for implementing the case plan and finalizing the permanency goal. The court's order shall provide that reasonable efforts shall be made to reunify the family in a timely manner in accordance with the case plan. Unless the child has been placed under the protective supervision of the department, the court's order shall also require the department to simultaneously take steps to accomplish the goal of reunification and the concurrent permanency goal.

SECTION 7. That Section 16-1622, Idaho Code, be, and the same is hereby amended to read as follows:

16-1622. REVIEW HEARINGS -- STATUS HEARINGS -- ANNUAL PERMANENCY HEARINGS. (1) Review hearing.

(a) A hearing for review of the child's case and permanency plan shall be held no later than six (6) months after entry of the court's order taking jurisdiction under this act and every six (6) months thereafter. The department and the guardian ad litem shall file reports to the court no later than five (5) days prior to the six (6) month review hearing. The purpose of the review hearing is:

(i) To determine:

1. The safety of the child;
2. The continuing necessity for and appropriateness of the placement;
3. The extent of compliance with the case plan; and
4. The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care;

(ii) To determine or continue to investigate whether the child is an Indian child. If there is reason to believe that the child is an Indian child and there has not been a final determination regarding the child's status as an Indian child:

1. The department shall document and the court shall inquire about the efforts that have been made since the last hearing to determine whether the child is an Indian child; and
2. The department shall document and the court shall determine that the department is using active efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership;

(iii) To inquire regarding the child's educational stability. The department shall document and the court shall inquire as to the efforts made to ensure educational stability for the child, including the efforts made to keep the child in the school in which the child is enrolled at the time of placement or the reason that remaining in the school is not in the child's best interests;

(iv) To inquire regarding sibling placement. The department shall document and the court shall inquire whether siblings were placed together, or, if siblings were not placed together, the efforts made to place siblings together, the reasons why siblings were not placed together, and a plan for ensuring frequent visitation or ongoing interaction between the siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings;

(v) To inquire regarding permanency. The court shall ask each youth age twelve (12) years and older about his desired permanency outcome and discuss with the youth his current permanency plan. For a youth age fourteen (14) years and older, the hearing shall include a review of the services needed to assist the youth to make the transition from foster care to successful adulthood;

(vi) To document efforts related to the reasonable and prudent parent standard. For a youth whose permanency goal is another planned permanent living arrangement, the department shall document:

1. That the youth's foster parents or child care institution is following the reasonable and prudent parent standard when deciding whether the child may participate in extracurricular, enrichment, cultural and social activities; and
2. The regular, ongoing opportunities to engage in age- or developmentally appropriate activities that have been provided to the youth;

(vii) To document efforts made to find a permanent placement other than another planned permanent living arrangement. For a youth whose permanency goal is another planned permanent living arrangement, the department shall document:

1. The intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to place the youth with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling; and
2. Why another planned permanent living arrangement is the best permanency plan for the youth and a compelling reason why, as of the date of the review hearing, it would not be in the best interest of the child to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;

(viii) To make findings regarding a permanency goal of another planned permanent living arrangement. For youth whose permanency goal is another planned permanent living arrangement, the court shall make written, case-specific findings, as of the date of the hearing, that:

1. Another planned permanent living arrangement is the best permanency goal for the youth; and
2. There are compelling reasons why it is not in the best interest of the youth to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;

(ix) To document and inquire regarding psychotropic medication. At each review hearing, if the child is being treated with psychotropic medication, these additional requirements shall apply:

1. The department shall report to the court the medication and dosage prescribed for the child, and the medical professional who prescribed the medication; and
2. The court shall inquire as to, and may make any additional inquiry relevant to, the use of psychotropic medication; and

(x) To project, when reasonable, a likely date by which the child may be safely returned to and maintained in the home or placed in another permanent placement.

(b) A status hearing is a review hearing that does not address all or most of the purposes identified in paragraph (a) of this subsection and may be held at the discretion of the court. Neither the department nor the guardian ad litem is required to file a report with the court prior to a status hearing, unless ordered otherwise by the court.

(c) A motion for revocation or modification of an order issued under section 16-1619, Idaho Code, may be filed by the department or any party; provided that no motion may be filed by the respondents under this section within three (3) months of a prior hearing on care and placement of the child. Notice of a motion for review of a child's case shall be provided to the parents and other legal guardians, the prosecuting attorney or deputy attorney general, guardian ad litem, attorney for the child, the department and foster parents.

(d) If the motion filed under paragraph (c) of this subsection alleges that the child's best interests are no longer served by carrying out the order issued under section 16-1619, Idaho Code, or that the department or other authorized agency has failed to provide adequate care for the child, the court shall hold a hearing on the motion.

(e) The department or authorized agency may move the court at any time to vacate any order placing a child in its custody or under its protective supervision.

(2) Permanency plan and hearing.

(a) The permanency plan shall include a permanency goal. The permanency goal may be one (1) of the following: continued efforts at reunification, in the absence of a judicial determination of aggravated circumstances; or termination of parental rights and adoption, guardianship or, for youth age sixteen (16) years and older only, another planned permanent living arrangement. Every permanency plan shall include the information set forth in section 16-1621(3)(a) and (b), Idaho Code. If the permanency plan has reunification as a permanency goal, the plan shall include information set forth in section 16-1621(3)(c), Idaho Code; however, if the circumstances that caused the child to be placed into protective custody resulted in a conviction for lewd and lascivious conduct or felony injury to a child, if the child has been in protective custody for more than six (6) months, or if a high risk of repeat maltreatment or reentry into foster care exists due to a parent's recent completion of substance abuse treatment or other compelling circumstances, then the permanency plan shall include a period of protective supervision or trial home visit period of no less than ninety (90) days prior to the court vacating the case. During the protective supervision or trial home visit period, the department shall make regular home visits. During the protective supervision or trial home visit period, the court shall hold one (1) or more review hearings for each permanency plan where a period of protective supervision or a trial home visit has been imposed and may require participation in supportive services, including community home visiting and peer-to-peer mentoring. Families reunified following a period of protective supervision or a trial home visit should be encouraged by the department or the court to continue to participate in supportive services when beneficial and appropriate. If the permanency plan has a permanency goal other than reunification, the plan shall include the information set forth in section 16-1621(3)(d), Idaho Code, and, if the permanency goal is termination of parental rights and adoption, then in addition to the information set forth in section 16-1620(3), Idaho Code, the permanency plan shall also name the proposed adoptive parents when known. If the adoptive parents are not known at the time the permanency plan is prepared, then the department shall amend the plan to name the proposed adoptive parents as soon as such person or persons become known. The court may approve a permanency plan that includes a primary goal and a

concurrent goal. As used in this paragraph, "trial home visit" means that a child is returned to the care of the parent or guardian from whom the child was removed with the department continuing to have legal custody of the child.

(b) A permanency hearing shall be held no later than twelve (12) months from the date the child is removed from the home or the date of the court's order taking jurisdiction under this chapter, whichever occurs first, and at least every twelve (12) months thereafter, so as long as the court has jurisdiction over the child. The court shall approve, reject or modify the permanency plan of the department and review progress in accomplishing the permanency goal. The permanency plan, as approved by the court, shall be entered into the record as an order of the court. A permanency hearing may be held at any time and may be combined with the review hearing required under subsection (1) of this section.

(c) The court shall make written, case-specific findings whether the department made reasonable efforts to finalize the primary permanency goal in effect for the child. Lack of reasonable efforts to reunify may be a basis for an order approving a permanency plan with a permanency goal of reunification.

(d) Where the permanency goal is not reunification, the hearing shall include a review of the department's consideration of options for in-state and out-of-state placement of the child. In the case of a child in an out-of-state placement, the court shall determine whether the out-of-state placement continues to be appropriate and in the best interest of the child.

(e) The court shall ask each youth age twelve (12) years and older about his desired permanency outcome and discuss with the youth his current permanency plan. In the case of a child who has attained the age of fourteen (14) years and older, the hearing shall include a determination of the services needed to assist the youth to make the transition from foster care to successful adulthood.

(f) The court may approve a primary permanency goal of another planned permanent living arrangement only for youth age sixteen (16) years or older and only upon written, case-specific findings that, as of the date of the hearing:

(i) Another planned permanent living arrangement is the best permanency goal for the youth; and

(ii) There are compelling reasons why it is not in the best interest of the youth to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling.

(g) If the child has been in the temporary or legal custody of the department for fifteen (15) of the most recent twenty-two (22) months, the department shall file, prior to the last day of the fifteenth month, a petition to terminate parental rights, unless the court finds that:

(i) The child is placed permanently with a relative;

(ii) There are compelling reasons why termination of parental rights is not in the best interests of the child; or

(iii) The department has failed to provide reasonable efforts to reunify the child with his family.

(h) The department shall document and the court shall inquire:

(i) As to the efforts made to ensure educational stability for the child, including the efforts made to keep the child in the school in which the child is enrolled at the time of placement or that remaining in the school is not in the child's best interests; and

(ii) That siblings were placed together, or, if siblings were not placed together, the efforts made to place siblings together, the reasons why siblings were not placed together or why a joint placement would be contrary to the safety or well-being of one (1) or more of the siblings, and a plan for ensuring frequent visitation or ongoing interaction among siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings.

(i) If there is reason to believe that the child is an Indian child and there has not been a final determination regarding the child's status as an Indian child, the department shall document and the court shall:

(i) Inquire about the efforts that have been made since the last hearing to determine whether the child is an Indian child; and

(ii) Determine that the department has made active efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership.

(j) At each permanency hearing, if the child is being treated with psychotropic medication, these additional requirements shall apply:

(i) The department shall report to the court the medication and dosage prescribed for the child, and the medical professional who prescribed the medication; and

(ii) The court shall inquire as to, and may make any additional inquiry relevant to, the use of psychotropic medication.

(k) The court may authorize the department to suspend further efforts to reunify the child with the child's parent, pending further order of the court, when a permanency plan is approved by the court and the permanency plan does not include a permanency goal of reunification.

(3) If a youth is in the legal custody of the department or other authorized agency and is within ninety (90) days of his eighteenth birthday, the department shall file a report with the court that includes the department's transition plan for the youth. The court shall have a review or permanency hearing at which the court shall:

(a) Discuss with the youth his or her transition plan; and

(b) Review the transition plan with the youth for purposes of ensuring that the plan provides the services necessary to allow the youth to transition to a successful adulthood.

(4) If a child is in the legal custody of the department and the court has approved placement of the child in a qualified residential treatment program, then at each review hearing pursuant to subsection (1) (a) of this section and at each permanency hearing pursuant to subsection (2) (b) of this section the department shall document:

(a) That ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child that is in the least restrictive environment, and that the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child;

(b) The specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

(c) The efforts made by the department to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent or in a foster family home.

(5) Notwithstanding any provision of law to the contrary, the court may order extended foster care for a person between the ages of eighteen (18) and twenty-one (21) years to help such person achieve a successful transition to adulthood, provided such person must have been in the custody of the department until his eighteenth birthday and must meet the criteria set forth in 42 U.S.C. 675(8) (B) (iv). The extension shall be for a fixed period of time and shall not extend past the person's twenty-first birthday.

Approved April 23, 2021

CHAPTER 282

(H.B. No. 171, As Amended in the Senate)

AN ACT

RELATING TO SALES TAX; AMENDING SECTION 63-3622, IDAHO CODE, TO REVISE PROVISIONS REGARDING SALES TAX EXEMPTION CERTIFICATES AND RESALE CERTIFICATES.

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

SECTION 1. That Section 63-3622, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622. EXEMPTIONS -- EXEMPTION CERTIFICATES AND RESALE CERTIFICATES -- PENALTIES. (a) To prevent evasion of the sales and use tax, it shall be presumed that all sales are subject to the taxes imposed by the provisions of this chapter and the retailer shall have the burden of establishing the facts giving rise to such exemption unless the purchaser delivers to the retailer, or has on file with the retailer, an exemption certificate or resale certificate, in which case the purchaser shall bear the burden of establishing the facts giving rise to the exemption.

(b) An exemption certificate shall show the purchaser's name, business name and address (if any), address, a federal employer identification number or driver's license number and state of issue, and signature, date, and the reason for and nature of the claimed exemption.

(c) A resale certificate shall be signed and dated by, and bear the name and address of, the purchaser or his agent, shall show the federal employer identification number or driver's license number and state of issue, shall indicate the number of the permit issued to the purchaser or that the purchaser is an out-of-state retailer, and shall indicate the general character of the tangible personal property sold or rented by the purchaser in the regular course of business. ~~A resale certificate relieves the seller from the burden of proof only if taken from a person who is engaged in the business of selling or renting tangible personal property and who holds a permit provided for in this section, or who is a retailer not engaged in business in this state, and who, at the time of purchasing the tangible personal property, intends to sell or rent it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.~~ If a purchaser who gives a resale certificate makes any use of the property other than retention, demonstration or display while holding it for sale or rent in the regular course of business, the use shall be taxable to the purchaser as of the time the property is first used by him, and the sales price of the property to him shall be deemed the measure of the tax.

(d) A seller may accept an exemption certificate or resale certificate from a purchaser prior to the time of sale, at the time of the sale, or at any reasonable time after the sale when necessary to establish the privilege of the exemption. Other than as provided elsewhere in this section, when an exemption certificate or resale certificate, properly executed, is presented to or is on file with the seller, the seller has no duty or obligation to collect sales or use taxes in regard to any sales transaction so documented regardless of whether the purchaser properly or improperly claimed an exemption. A seller so relieved of the obligation to collect tax is also relieved of any liability to the purchaser for failure to collect tax or for making any report or disclosure of information required or permitted under this chapter. The purchaser providing an exemption certificate or resale certificate to a seller shall bear all responsibility and liability for any subsequent audit of the transaction and the seller shall be held harmless. A seller need not accept an exemption certificate or resale certificate that is not readable, legible or copyable.

(e) Any person who gives an exemption certificate or resale certificate with the intention of evading payment of the amount of the tax applicable to the transaction is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment for not more than one (1) year, or by both such fine and imprisonment.

(f) An exemption certificate or resale certificate shall be substantially in such form as the state tax commission may prescribe. The claim for the exemption may be a part of the documentation on a sales invoice, purchase order, or other documentation retained by the retailer with regard to the sale. Unless the purchaser has an exemption certificate or resale certificate on file with the seller, the purchaser or his agent must sign the exemption claim, which shall be in addition to any other signature which the seller normally requires on sales invoices, purchase orders, or other sales documentation.

(g) It shall be presumed that sales made to a person who has completed an exemption certificate or resale certificate for the seller's records are not taxable and the seller need not collect sales or use taxes unless the tangible personal property or services purchased are taxable to the purchaser as a matter of law in the particular instance claimed on the exemption certificate.

Approved April 22, 2021

CHAPTER 283

(H.B. No. 107, As Amended in the Senate)

AN ACT

RELATING TO INSTRUMENTS; AMENDING SECTION 55-805, IDAHO CODE, TO CLARIFY THE APPLICATION AND EFFECT OF THE REVISED UNIFORM LAW ON NOTARIAL ACTS ON CERTAIN INSTRUMENTS AND NOTARIAL ACTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 55-805, Idaho Code, be, and the same is hereby amended to read as follows:

55-805. ACKNOWLEDGMENT NECESSARY TO AUTHORIZE RECORDING. (1) Before an instrument may be recorded, unless it is otherwise expressly provided, its execution must be acknowledged by the person executing it, or if executed by a corporation, by its president or vice president, or secretary or assistant secretary, or other person executing the same on behalf of the corporation, or if executed in the name of the state of Idaho or any county, political subdivision, municipal, quasi-municipal, or public corporation, by one (1) or more of the officers of such state, county, political subdivision, municipal, quasi-municipal, or public corporation executing the same, or if executed in a partnership name, by one (1) or more of the partners who subscribed the partnership name thereto, or if executed by a limited liability company, by the manager, member or other person executing the same on behalf of the limited liability company, or the execution must be proved and the acknowledgment or proof, certified in substantially the manner prescribed by chapter 1, title 51, Idaho Code; provided, that if such instrument shall have been executed and acknowledged in any other state or territory of the United States, or in any foreign country, according to the laws of the state, territory or country wherein such acknowledgment was taken, the same shall be entitled to record, and a certificate of acknowledgment indorsed upon or attached to any such instrument purporting to have been made in any such state, territory or foreign country, shall be prima facie sufficient to entitle the same to such record.

(2) (a) The validity of an instrument recorded prior to July 1, 2017, shall not be affected by the failure of a notary public to perform a duty or meet a requirement specified in chapter 1, title 51, Idaho Code. Such a failure does not invalidate a notarial act performed by the notary public.

(b) The validity of a notarial act complying with the provisions of chapter 1, title 51, Idaho Code, does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking remedies authorized by federal or state law other than the provisions of chapter 1, title 51, Idaho Code.

(c) This subsection does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

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 April 23, 2021

CHAPTER 284
(S.B. No. 1086)

AN ACT

RELATING TO THE ANTI-BOYCOTT AGAINST ISRAEL ACT; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2346, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROHIBIT A PUBLIC ENTITY FROM ENTERING INTO CERTAIN CONTRACTS WITH COMPANIES THAT BOYCOTT ISRAEL, TO DEFINE TERMS, TO PROVIDE THAT CERTAIN CONTRACTS SHALL BE VOID, TO PROVIDE RULEMAKING AUTHORITY, AND TO PROVIDE APPLICABILITY.

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

SECTION 1. That Chapter 23, 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 67-2346, Idaho Code, and to read as follows:

67-2346. ANTI-BOYCOTT AGAINST ISRAEL ACT. (1) This section shall be known and may be cited as the "Anti-Boycott Against Israel Act."

(2) A public entity in this state may not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently engaged in, and will not for the duration of the contract engage in, a boycott of goods or services from Israel or territories under its control. The provisions of this section shall not apply to contracts with a total potential value of less than one hundred thousand dollars (\$100,000) or to contractors with fewer than ten (10) employees.

(3) As used in this section:

(a) "Boycott Israel" and "boycott of the state of Israel" mean engaging in refusals to deal, terminating business activities, or other actions that are intended to discriminate against, inflict economic harm, or otherwise limit commercial relations specifically with the state of Israel or territories under its control, or persons or entities doing business in the state of Israel or territories under its control. A company's statement that it is participating in boycotts of the state of Israel or territories under its control, or that it has taken the boycott action at the request, in compliance with, or in furtherance of calls for a boycott of the state of Israel or territories under its control, shall be considered to be conclusive evidence that a company is participating in a boycott of the state of Israel or territories under its control. A company that has made no such statement may still be considered to be participating in a boycott of the state of Israel or territories under its control if other factors warrant such a conclusion. At no time shall the "state of Israel" be construed to be inconsistent with any provision of federal law, including but not limited to 50 U.S.C. 4602, 4605, or 4607, as amended, as they existed prior to their repeal in 2018.

(b) "Company" means any for-profit or not-for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations.

(c) "Public entity" means the state of Idaho or any political subdivision thereof, including all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the state, created by or in accordance with state law or regulations.

(4) The provisions of this section shall apply to contracts executed on and after July 1, 2021. Upon discovering that a contract fails to comply with the provisions of this section, the contracting authority shall have a period of ninety (90) days to obtain the certification described in subsection (2) of this section. After such time, any contract continuing to violate the provisions of this section shall be void as against public policy. Any contract executed prior to July 1, 2021, that violates the provisions of this section will not be renewed.

(5) The department of administration shall have authority to promulgate rules to implement the provisions of this section as long as they are consistent with the provisions of this section and do not create any exceptions to it.

Approved April 22, 2021

CHAPTER 285
(H.B. No. 365)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2021; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2022; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2022; 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 226, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Department of Agriculture for the Plant Industries Program the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2020, through June 30, 2021, for the purpose of administering an industrial hemp program:

FOR:

Personnel Costs	\$100,000
Operating Expenditures	<u>50,000</u>
TOTAL	\$150,000

SECTION 2. FTP AUTHORIZATION. In addition to the authorization provided in Section 2, Chapter 226, Laws of 2020, the full-time equivalent position authorization provided to the Department of Agriculture is hereby increased by one and five-tenths (1.50) for the period July 1, 2020, through June 30, 2021, for the purpose of administering an industrial hemp program.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Agriculture for the Plant Industries Program the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2021, through June 30, 2022, for the purpose of administering an industrial hemp program:

FOR:

Personnel Costs	\$100,000
Operating Expenditures	<u>50,000</u>
TOTAL	\$150,000

SECTION 4. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Department of Agriculture is hereby increased by one and five-tenths (1.50) for the period July 1, 2021, through June 30, 2022, for the purpose of administering an industrial hemp program.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval.

Approved April 26, 2021

CHAPTER 286

(H.B. No. 246, As Amended in the Senate)

AN ACT

RELATING TO DOMESTIC RELATIONS; AMENDING SECTION 32-1010, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A CORRECT CODE REFERENCE, TO PROVIDE SEVERABILITY, AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 10, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1014, IDAHO CODE, TO PROVIDE THAT CERTAIN ORDERS, PROCLAMATIONS, OR DECLARATIONS SHALL NOT BE CONSIDERED JUSTIFICATION FOR FORCED MEDICAL ACTION ON A CHILD, FORCED REMOVAL OF A CHILD FROM THE HOME, OR THE VIOLATION OF OR INTERFERENCE WITH PARENTAL RIGHTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 32-1010, Idaho Code, be, and the same is hereby amended to read as follows:

32-1010. ~~INTENT OF THE LEGISLATURE~~ IDAHO PARENTAL RIGHTS ACT. (1) This section through section 32-1014, Idaho Code, shall be known and may be cited as the "Idaho Parental Rights Act."

(2) The interests and role of parents in the care, custody and control of their children are both implicit in the concept of ordered liberty and deeply rooted in our nation's history and tradition. They are also among the unalienable rights retained by the people under the ninth amendment to the constitution of the United States.

(23) The interests of the parents includes the high duty and right to nurture and direct their children's destiny, including their upbringing and education.

(34) The state of Idaho has independent authority to protect its parents' fundamental right to nurture and direct their children's destiny, upbringing and education.

(45) The protections and rights recognized in sections 32-1011 through 32-1013~~4~~, Idaho Code, are rooted in the due process of law guaranteed pursuant to section 13, article I, of the constitution of the state of Idaho.

(56) Governmental efforts that restrict or interfere with these fundamental rights are only permitted if that restriction or interference satisfies the strict scrutiny standard provided in section 32-1013, Idaho Code.

(67) Nothing in this act shall be construed as altering the established presumption in favor of the constitutionality of statutes and regulations.

(8) The provisions of the Idaho parental rights act are hereby declared to be severable, and if any provision of the 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 the act.

SECTION 2. That Chapter 10, Title 32, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 32-1014, Idaho Code, and to read as follows:

32-1014. EMERGENCY ORDER NOT JUSTIFICATION TO INTERFERE WITH PARENTAL RIGHTS. At no time shall the existence of any order, proclamation, or declaration issued pursuant to chapter 6 or 10, title 46, Idaho Code, be considered essential to further a compelling governmental interest to justify:

- (1) Forced medical action on a child;
- (2) Forced removal of a child from the home; or
- (3) The violation of or interference with a parent's fundamental and established rights protected by the Idaho parental rights act.

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 April 26, 2021

CHAPTER 287

(S.B. No. 1039, As Amended in the House)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-526, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A WORKFORCE READINESS AND CAREER TECHNICAL EDUCATION DIPLOMA.

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

SECTION 1. That Chapter 5, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-526, Idaho Code, and to read as follows:

33-526. WORKFORCE READINESS AND CAREER TECHNICAL EDUCATION DIPLOMA. (1) A public school student who successfully completes all graduation requirements established by the state board of education may receive a high school diploma designated as a workforce readiness and career technical education diploma if the student has:

- (a) Successfully passed a technical skills assessment;
- (b) Successfully passed the workplace readiness assessment; and
- (c) Demonstrated competency of career technical education program standards as identified within "skillstack" or a successor program and earned the workforce readiness badge or a relevant industry certification. A list of eligible certificates will be created by the division of career technical education.

(2) (a) This section does not require a student to complete more than the total credits required to graduate as determined by the state board of education.

(b) A student may earn the last year of math and English credits through a practical math or technical writing course.

(c) A student is encouraged to earn a relevant industry certification.

(3) Each school district and public charter school may create a diploma with a special workforce readiness and career technical education designation for students who meet the requirements of this section.

(4) The state board of education may promulgate rules necessary to implement the provisions of this section.

Approved April 26, 2021

CHAPTER 288

(H.B. No. 66, As Amended in the Senate)

AN ACT

RELATING TO ELECTIONS; REPEALING SECTION 34-439, IDAHO CODE, RELATING TO DISCLOSURES IN BOND ELECTIONS; REPEALING SECTION 34-439A, IDAHO CODE, RELATING TO DISCLOSURES IN LEVY ELECTIONS; AMENDING CHAPTER 9, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-913, IDAHO CODE, TO PROVIDE FOR DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS; AMENDING CHAPTER 9, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-914, IDAHO CODE, TO PROVIDE FOR DISCLOSURES IN ELECTIONS TO AUTHORIZE A LEVY; AMENDING SECTION 34-2001A, IDAHO CODE, TO REVISE PROVISIONS REGARDING BOND AND LEVY ELECTION CONTESTS; AND AMENDING SECTION 74-605, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

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

SECTION 1. That Section 34-439, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 34-439A, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 9, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-913, Idaho Code, and to read as follows:

34-913. DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS. (1) Notwithstanding any other provision of law, on and after July 1, 2021, any taxing district that proposes to submit any question to the electors of the district that would authorize any bonded indebtedness must provide a brief official statement setting forth in simple, understandable language information on the proposal substantially as follows:

(a) The purpose for which the bonds are to be used, including but not necessarily limited to a description of the facility or project that will be financed, in whole or in part, by the sale of the bonds; the date of the election; and the principal amount of the bonds to be issued;

(b) The anticipated interest rate on the proposed bonds based on current market rates and a maximum interest rate if a maximum is specified in the question to be submitted to electors;

(c) The total amount to be repaid over the life of the bonds based on the anticipated interest. Such total shall reflect three (3) components: a total of the principal to be repaid; a total of the interest to be paid; and the sum of both;

(d) The estimated average annual cost to the taxpayer of the proposed bond, in the format of "A tax of \$ per \$100,000 of taxable assessed value, per year, based on current conditions";

(e) The length of time, reflected in months or years, in which the proposed bonds will be paid off or retired; and

(f) The total existing indebtedness, including interest accrued, of the taxing district.

(2) (a) The formula for calculating the estimated average annual cost to the taxpayer shall be as follows:

$((\text{Bond Total}/\text{Taxable Value}) \times 100,000)/\text{Duration} = \text{estimated average annual cost to taxpayer};$ and

(b) The elements of which are defined as:

(i) "Bond total" means the total amount to be bonded, from subsection (1) (c) of this section as based on the anticipated interest rate in subsection (1) (b) of this section;

(ii) "Duration" means the time, in years, from subsection (1) (e) of this section; and

(iii) "Taxable value" means the most recent total taxable value for property for the applicable taxing district, which shall be obtained from the applicable county treasurer or assessor's office.

(3) The official statement must be made a part of the ballot prior to the location on the ballot where a person casts a vote and must be included in the official notice of the election.

(4) In order to be binding, a ballot question to authorize a bond must include the information and language required by this section in its official statement.

(5) Upon a determination by a court, pursuant to section 34-2001A, Idaho Code, that the taxing district failed to comply with the provisions of this section, the court must declare the outcome of the ballot question invalid and award court costs and fees to the prevailing party.

SECTION 4. That Chapter 9, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-914, Idaho Code, and to read as follows:

34-914. DISCLOSURES IN ELECTIONS TO AUTHORIZE A LEVY. (1) Notwithstanding any other provision of law, on and after July 1, 2021, any taxing district that proposes to submit any question to the electors of the district that would authorize any levy, except for the levies authorized for the purposes provided in sections 63-802(1) (h) and 33-802(4), Idaho Code, and except for levies relating to bonded indebtedness where section 34-913, Idaho Code, applies, must include in the ballot question, or in a brief official statement on the ballot but separate from the ballot question, a disclosure setting forth in simple, understandable language information on the proposal substantially as follows:

(a) The purpose for which the levy shall be used; the date of the election; and the dollar amount estimated to be collected each year from the levy;

(b) The estimated average annual cost to the taxpayer of the proposed levy, in the form of "A tax of \$_____ per \$100,000 of taxable assessed value, per year, based on current conditions." If the taxing district proposing the levy has an existing levy of the same type that is set to expire at the time that the proposed levy will begin, an additional statement may be provided along the following lines: "The proposed levy replaces an existing levy that will expire on _____ and that currently costs \$_____ per \$100,000 of taxable assessed value." The statement shall also disclose that, if the proposed levy is approved, the tax per \$100,000 of taxable assessed value is either: (i) not expected to change or (ii) is expected to increase or decrease the tax by \$_____ per \$100,000 of taxable assessed value. The dollar amounts referenced in this paragraph shall be calculated by multiplying the expected levy rate by one hundred thousand dollars (\$100,000);

(c) The length of time, reflected in months or years, in which the proposed levy will be assessed; and

(d) If an existing levy is referenced, the expiration date of the levy must also be provided.

(2) The information called for in subsection (1) of this section must be placed immediately above the location on the ballot where a person casts a vote and must also be included in like manner in the official notice of the election.

(3) In order to be binding, a ballot question to authorize a levy must include the information and language required by this section in its official statement. The ballot question may not include other information or language regarding any other bond, levy, or matter, whether previous, current, or proposed, except as authorized under this section.

(4) Upon a determination by a court, pursuant to section 34-2001A, Idaho Code, that the taxing district failed to comply with the provisions of this section, the court must declare the outcome of the ballot question invalid and award court costs and fees to the prevailing party.

SECTION 5. That Section 34-2001A, Idaho Code, be, and the same is hereby amended to read as follows:

34-2001A. BOND ELECTION AND MILL LEVY CONTESTS -- TIME FOR FILING -- VALIDATION OF ELECTIONS AND BONDS. A-(1) The provisions of this chapter with respect to the contest of elections shall be applicable to bond elections conducted by cities, counties, school districts, and water and sewer districts, and to elections conducted by school districts for mill levy increases as authorized by sections 33-802, 33-803, and 33-804, Idaho Code. Any such contest shall be regarded as one contesting the outcome of the vote on the bond or mill levy proposition, rather than election to office, and the public entity calling the election, rather than a person declared to have been elected to office, shall be regarded as the defendant.

B-(2) When the validity of any bond or mill levy election is contested upon on any of the grounds enumerated in section 34-2001, Idaho Code, on the grounds of a failure to comply with the requirements of section 34-913 or 34-914, Idaho Code, or upon on any other grounds whatsoever the plaintiff or plaintiffs must, within forty (40) days after the votes are canvassed and the results thereof declared, file in the proper court a verified written complaint setting forth, in addition to the other requirements of this chapter, the following:

(1a) The name of the party contesting the bond or mill levy election, and that he is an elector of the public entity conducting the bond or mill levy election;

(2b) The proposition or propositions voted on at the election which that are contested; and

(3c) The particular grounds of such contest.

C-(3) No such election contest shall be maintained and no bond or mill levy election shall be set aside or held invalid unless a complaint is filed as permitted hereunder under this section within the period prescribed in this section. As to bond or mill levy elections which have been held prior to the effective date of this act, no such contest shall be maintained wherein it is alleged that the election should be set aside or held on any ground enumerated in section 34-2001, Idaho Code, or on any other ground, unless such election contest be filed as herein provided within forty (40) days from and after the effective date of this act.

~~D.~~(4) All bond elections conducted by cities, counties, school districts, and water and sewer districts prior to the effective date of this act, and all proceedings had in the authorization and issuance of the bonds authorized thereat, are hereby validated, ratified, and confirmed and all such bonds are declared to constitute legally binding obligations in accordance with their terms. Nothing in this section shall be construed to affect or validate any bond election, or bonds issued pursuant thereto, the legality of which is being contested at the time this act takes effect, or any election, the legality of which is contested within the forty (40) day period from and after the effective date of this act.

SECTION 6. That Section 74-605, Idaho Code, be, and the same is hereby amended to read as follows:

74-605. EXCLUSIONS. Nothing in this chapter shall prohibit:

(1) A public official or employee from speaking, campaigning, contributing personal money or otherwise exercising the public official's or employee's individual first amendment rights for political purposes, provided no public funds are used for expenditures supporting the public official or employee in such activity;

(2) A public entity, public official or employee from the neutral encouragement of voters to vote;

(3) An elected official or employee from personally campaigning or advocating for or against a ballot measure, provided no public funds, property or resources are used for supporting the elected official or employee in such activity;

(4) A public entity from preparing and distributing to electors an objective statement explaining the purpose and effect of the ballot measure, including in the case of bond or levy elections the cost per taxpayer or taxable value, or similar information based on reasonable estimates prepared in good faith;

(5) The formulation and publication of statements regarding proposed amendments to the state constitution, as authorized by section 67-453, Idaho Code;

(6) The publication of information described in sections ~~34-439, 34-439A~~ 34-913, 34-914, and 34-1406, Idaho Code, as applicable, or other provisions of law requiring notices and disclosures in connection with elections and ballot measures; or

(7) A balanced student classroom discussion or debate of current or pending election issues.

Approved April 27, 2021

CHAPTER 289
(H.B. No. 366)

AN ACT

RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 87, TITLE 18, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO PROVIDE FOR THE DETERMINATION OF A FETAL HEARTBEAT, TO PROHIBIT AN ABORTION FOLLOWING DETECTION OF A FETAL HEARTBEAT, TO PROVIDE EXCEPTIONS IN CERTAIN INSTANCES, TO PROVIDE PENALTIES, TO PROVIDE AN EFFECTIVE DATE UPON A CERTAIN OCCURRENCE, TO PROVIDE THAT A PREGNANT WOMAN MAY BRING A CIVIL ACTION IN CERTAIN INSTANCES, AND TO PROVIDE SEVERABILITY.

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

SECTION 1. That Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 87, Title 18, Idaho Code, and to read as follows:

CHAPTER 87
FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT

18-8701. DEFINITIONS. As used in this chapter:

(1) "Abortion" means the use of any means to intentionally terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the preborn child. "Abortion" does not mean the use of an intrauterine device or birth control pill to inhibit or prevent ovulations, fertilization, or the implantation of a fertilized ovum within the uterus.

(2) "Fetal heartbeat" means embryonic or fetal cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac.

(3) "Fetus" and "preborn child" each mean an individual organism of the species Homo sapiens from fertilization until live birth.

(4) "Gestational age" means the age of a preborn human individual as calculated from the first day of the last menstrual period of a pregnant woman.

(5) "Medical emergency" means a condition that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

18-8702. LEGISLATIVE FINDINGS AND INTENT. The legislature finds and declares that:

(1) The life of each human being begins at fertilization, and unborn children have interests in life, health, and well-being that should be protected.

(2) The cardiopulmonary definition of death, which is the reigning common law standard for determining death, is defined as the "irreversible cessation of circulatory and respiratory functions." This cardiopulmonary definition of death was included in the uniform determination of death act, a model law that was adopted by numerous medical and ethics organizations, including the national conference of commissioners on uniform state laws, the American medical association, and almost all states in the United States.

(3) Legal standards and the medical community at large both affirm that a consistent human heartbeat, independent of life support, is a core determining factor in establishing the legal presence of human life in a full range of circumstances, for old and young alike.

(4) The heartbeat of a preborn child begins at a biologically identifiable moment in time that can be detected and imaged by medical equipment.

(5) A detectable fetal heartbeat and its characteristics is a key medical predictor in whether a preborn child will reach live birth.

(6) The fetal heartbeat, when detected, presents a clearly identifiable point at which the preborn child in the womb has a greater than ninety-five percent (95%) chance of survival when carried to term.

(7) The presence of a human heartbeat is a more reliable indicator of life than the medically uncertain concept of "viability" and whether that preborn child is "potentially able to live outside the mother's womb."

(8) Therefore, the state of Idaho has a compelling interest in protecting the life of a preborn child at all stages of its development, including after the preborn child has a detectable heartbeat, which signals rhythmically and without pause the presence of a precious and unique life, one that is independent and distinct from the mother's and one that is also worthy of our utmost protection.

18-8703. DETERMINATION OF FETAL HEARTBEAT. Any person who intends to perform or induce an abortion on a pregnant woman must determine if there is the presence of any fetal heartbeat, except in the case of a medical emergency. In testing for any fetal heartbeat, the person conducting the physical examination on the pregnant woman must determine in his reasonable medical judgment and according to standard medical practice whether or not any fetal heartbeat is present. The person who determines the presence or absence of any fetal heartbeat must record in the pregnant woman's medical record the estimated gestational age of the preborn human individual or individuals, the method used to test for the fetal heartbeat, the date and time of the test, and the results of the test.

18-8704. ABORTION FOLLOWING DETECTION OF A FETAL HEARTBEAT PROHIBITED. A person may not perform an abortion on a pregnant woman when a fetal heartbeat has been detected, except in the case of a medical emergency, in the case of rape as defined in section 18-6101, Idaho Code, or in the case of incest as described in section 18-6602, Idaho Code. In the case of rape or incest:

(1) If the woman is not a minor or subject to guardianship, then, prior to the performance of the abortion, the woman has reported the act of rape or incest to a law enforcement agency and provided a copy of such report to the physician who is to perform the abortion; or

(2) If the woman is a minor or subject to guardianship, then, prior to the performance of the abortion, the woman or her parent or guardian has reported the act of rape or incest to a law enforcement agency or child protective services and a copy of such report have been provided to the physician who is to perform the abortion.

18-8705. PENALTIES FOR VIOLATIONS. Every licensed health care professional who intentionally, knowingly, and recklessly performs or induces an abortion in violation of this chapter commits the crime of criminal abortion. Criminal abortion shall be a felony punishable by a sentence of imprisonment of no less than two (2) years and no more than five (5) years in prison. The professional license of any health care professional who performs or induces an abortion or who assists in performing or inducing an abortion in violation of this chapter shall be suspended by the appropriate licensing board for a minimum of six (6) months upon a first offense and shall be permanently revoked upon a subsequent offense.

18-8706. EFFECTIVE UPON A CERTAIN OCCURRENCE. (1) This chapter shall become effective thirty (30) days following the issuance of the judgment in any United States appellate court case in which the appellate court upholds a restriction or ban on abortion for a preborn child because a detectable heartbeat is present on the grounds that such restriction or ban does not violate the United States constitution.

(2) Nothing in this section shall be construed to conflict with the effectiveness of section 18-622, Idaho Code, following the occurrence of the circumstances described therein. In the event both this section and section 18-622, Idaho Code, are enforceable, section 18-622, Idaho Code, shall supersede this section.

18-8707. CIVIL ACTION. Any woman on whom an abortion is performed in violation of this chapter may recover in a civil action all damages available to her under Idaho law from the person or persons who intentionally, knowingly, and recklessly violated the provisions of section 18-8703 or 18-8704, Idaho Code.

18-8708. SEVERABILITY. The provisions of this chapter are hereby declared to be severable, and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration does not affect the validity of the remaining portions of this chapter. Any invalidity or potential invalidity of the provisions of this chapter does not impair the immediate and continuing enforceability of the remaining provisions. The provisions of this chapter do not have the effect of repealing or limiting any other laws of this state, except as specified by this chapter.

Approved April 27, 2021

CHAPTER 290
(S.B. No. 1043, As Amended)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-205, IDAHO CODE, TO PROVIDE THAT CERTAIN DECISIONS AND FINDINGS SHALL BE MADE IN EXECUTIVE SESSION, TO PROVIDE THAT PROCEDURES ON TEMPORARY SUSPENSION OF A PUPIL MUST AFFORD THE PUPIL PRIVACY, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-205, Idaho Code, be, and the same is hereby amended to read as follows:

33-205. DENIAL OF SCHOOL ATTENDANCE. (1) The board of trustees may deny enrollment, or may deny attendance at any of its schools by expulsion, to any pupil who is ~~an~~ a habitual truant, or who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils, or who has been expelled from another school district in this state or any other state. Any pupil having been denied enrollment or expelled may be enrolled or readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such enrollment or readmission shall not prevent the board from again expelling such pupil for cause. Provided however, the board shall expel from school for a period of not less than one (1) year, twelve (12) calendar months, or may deny enrollment to ~~a~~ a student who has been found to have carried a

weapon or firearm on school property in this state or any other state, except that the board may modify the expulsion or denial of enrollment order on a case-by-case basis. Discipline of students with disabilities shall be in accordance with the requirements of federal law part B of the individuals with disabilities education act and section 504 of the rehabilitation act. An authorized representative of the board shall report such student and incident to the appropriate law enforcement agency.

(2) No pupil shall be expelled ~~nor~~ or denied enrollment without the board of trustees having first given written notice to the parent or guardian of the pupil, which notice shall state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent or guardian may appear to contest the action of the board to deny school attendance, and which notice shall ~~also~~ state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on his own behalf, and to cross-examine any adult witnesses who may appear against him. Within a reasonable period of time following such notification, the board of trustees shall grant the pupil and his parents or guardian a full and fair hearing on the proposed expulsion or denial of enrollment. However, the board shall allow a reasonable period of time between such notification and the holding of such hearing to allow the pupil and his parents or guardian to prepare their response to the charge. Notwithstanding the provisions of sections 74-205 and 74-206, Idaho Code, a decision to expel or to deny enrollment of a student may be made in executive session, and the student shall not be named in the minutes of the meeting. A record of the decision shall be placed in the student's educational record and in the official records of the board. Any pupil ~~who is~~ within the age of compulsory attendance, who is expelled or denied enrollment as herein provided, shall come under the purview of the juvenile corrections act, and an authorized representative of the board shall, within five (5) days, give written notice of the pupil's expulsion to the prosecuting attorney of the county of the pupil's residence.

(3) The superintendent of any district or the principal of any school may temporarily suspend any pupil for disciplinary reasons, including student harassment, intimidation or bullying, or for other conduct disruptive of good order or of the instructional effectiveness of the school. A temporary suspension by the principal shall not exceed five (5) school days ~~in length,~~ and the school superintendent may extend the temporary suspension an additional ten (10) school days. Provided, that on a finding by the board of trustees, which finding must be made in executive session, that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupils' health, welfare, or safety, the board of trustees may extend the temporary suspension for an additional five (5) school days. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto. The board of trustees of each school district shall establish the procedure to be followed by the superintendent and principals under its jurisdiction for the purpose of effecting a temporary suspension, which procedure must conform to the minimal requirements of due process and afford the pupil privacy.

CHAPTER 291
(H.B. No. 299)

AN ACT

RELATING TO THE PUBLIC INTEGRITY IN ELECTIONS ACT; AMENDING SECTION 74-603, IDAHO CODE, TO REVISE DEFINITIONS; AND AMENDING SECTION 74-604, IDAHO CODE, TO PROHIBIT CERTAIN ACTIONS BY PUBLIC OFFICIALS AND EMPLOYEES OF STATE INSTITUTIONS OF HIGHER LEARNING.

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

SECTION 1. That Section 74-603, Idaho Code, be, and the same is hereby amended to read as follows:

74-603. DEFINITIONS. As used in this chapter:

- (1) (a) "Advocate" means to campaign for or against a candidate or the outcome of a ballot measure.
- (b) "Advocate" does not mean providing factual information about a ballot measure and the public entity's reason for the ballot measure stated in a factually neutral manner. Factual information includes, but is not limited to, the cost of indebtedness, intended purpose, condition of property to be addressed, date and location of election, qualifications of candidates or other applicable information necessary to provide transparency to electors.
- (2) "Ballot measure" means constitutional amendments, bond measures or levy measures.
- (3) "Candidate" means and includes every person for whom it is contemplated or desired that votes be cast at any political convention, primary, general, local or special election and who either tacitly or expressly consents to be so considered.
- (4) "Expenditure" means:
 - (a) A purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value; or
 - (b) A legally enforceable contract, promise or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value.
- (5) "Property or resources" means goods, services, equipment, computer software and hardware, college extra credit, other items of intangible property, or facilities provided to or for the benefit of a candidate, a candidate's personal campaign committee, a political issues committee for political purposes, or advocacy for or against a ballot measure or candidate. Public property or resources that are available to the general public are exempt from this exclusion.
- (6) "Public entity" means the state, each state agency, county, municipality, school district, state institution of higher learning, or other taxing district or public corporation empowered to submit ballot measures to its electors.
- (7) "Public funds" means any money received by a public entity from appropriations, taxes, fees, interest or other returns on investment.
- (8) "Public official" means an elected or appointed member of a public entity who has:
 - (a) Authority to make or determine public policy;
 - (b) Supervisory authority over the personnel and affairs of a public entity; or
 - (c) Authority to approve the expenditure of funds for the public entity.

(9) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority or other administrative unit of the state.

SECTION 2. That Section 74-604, Idaho Code, be, and the same is hereby amended to read as follows:

74-604. PUBLIC FUNDS PROHIBITED. ~~(1)~~ Unless specifically required by law, and except as provided in this chapter:

(1) Neither a public entity nor its employees shall make, nor shall a public official make or authorize, an expenditure from public funds to advocate for or against a candidate or a ballot measure.

(2) Neither a public entity nor any of its employees shall use, nor shall a public official authorize or use, public property or resources to advocate for or against a candidate or a ballot measure.

(3) Neither a public entity nor any of its employees shall provide or offer to provide, nor shall a public official provide or offer to provide, college extra credit to a student of a state institution of higher learning either:

(a) To encourage a student to vote or not vote; or

(b) To influence a student's vote for or against a candidate or ballot measure.

Approved April 27, 2021

CHAPTER 292
(S.B. No. 1006)

AN ACT

RELATING TO THE IDAHO LITERACY ACHIEVEMENT AND ACCOUNTABILITY ACT; AMENDING SECTION 33-1207A, IDAHO CODE, TO REMOVE LANGUAGE REGARDING TEACHER PREPARATION PROGRAMS AT CERTAIN INSTITUTIONS; REPEALING SECTION 33-1614, IDAHO CODE, RELATING TO READING INSTRUCTION AND INTERVENTION; REPEALING SECTION 33-1615, IDAHO CODE, RELATING TO READING ASSESSMENT; REPEALING SECTION 33-1616, IDAHO CODE, RELATING TO LITERACY INTERVENTION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 33, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE FOR AN IDAHO COMPREHENSIVE LITERACY PLAN, TO PROVIDE FOR STUDENT READING INSTRUCTION AND INTERVENTION, TO PROVIDE FOR READING AND LITERACY ASSESSMENT, TO PROVIDE FOR A LITERACY INTERVENTION PROGRAM, TO PROVIDE FOR EDUCATOR PREPARATION, TO PROVIDE FOR ACCOUNTABILITY AND CONTINUOUS IMPROVEMENT, AND TO PROVIDE RULEMAKING AUTHORITY; AND AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

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) (a) Higher Education Institutions. The state board shall review teacher preparation programs at the institutions of higher education ~~under its supervision and shall assure that the course offerings and graduation requirements are consistent with the state board-approved, research-based "Idaho Comprehensive Literacy Plan." To ensure compliance with this requirement, the board may allocate funds, subject to appropriation, to the higher education institutions that have teacher preparation programs.~~

~~The higher education institutions shall be responsible for the preservice assessment measures for all kindergarten through grade 12 teacher preparation programs. The assessment must include a demonstration of teaching skills and knowledge congruent with current research on best reading practices. The assessment may consist of multiple measures, in alignment with best practices, for the demonstration of these skills. Each institution shall report annually to the state board of education the number of preservice teachers who have passed the assessment. The state board of education shall then compile the statewide results and report to the legislature and the governor.~~

(2b) Nonpublic Teacher Preparation Programs.

(a) The state board shall grant teaching certificates to graduates of all already board-approved nonpublic teacher preparation programs that require their graduates to satisfy the following:

- ~~(i)~~1. Hold a bachelor's degree from an accredited four (4) year institution;
- ~~(ii)~~2. Submit to a criminal history check as described in section 33-130, Idaho Code;
- ~~(iii)~~3. Pass the required content training in the area or areas in which the graduate seeks to be endorsed. The content training must be in substantive alignment with knowledge or equivalent standards set forth in the initial standards for teacher certification, if any; and
- ~~(iv)~~4. Pass pedagogical training in substantive alignment with knowledge or equivalent standards set forth in the core standards of the initial standards for teacher certification, if any.

(b)i) Teaching certificates granted pursuant to this subsection shall be equivalent to certificates granted to graduates of teacher preparation programs at public higher education institutions. Interim certificates shall be made available to graduates of programs without a student teaching or clinical component and standard certificates subsequently shall be made available upon satisfaction of state board of education mentoring requirements and other state statutory requirements pertaining to all teachers. All performance requirements shall be considered satisfied by completion of state board mentoring requirements. Reviews of nonpublic teacher preparation programs shall be limited to verification of the criteria set forth in this subsection.

(3) For all Idaho teachers working on interim certificates, alternate routes or coming from out of state, completion of a state-approved reading instruction course shall be a onetime requirement for full certification.

(4) 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.

(54) A board-approved nontraditional educator preparation program that has a contract with a local education agency or consortium thereof to recruit, select, train, and retain teachers to teach in public schools that struggle to recruit and retain teachers may obtain funding from the state department of education, subject to appropriation or other available funds, provided that the program shall match no less than one hundred percent (100%) of any cost to the state for implementation. The board-approved program must have a documented history of recruiting, training, and retaining high-quality teachers who achieve above-average academic growth from students in Idaho and other states. The nontraditional educator preparation program may apply to the state department of education for available funding at the time one (1) or more teachers recruited by the program enters into an employment contract with a local education agency (LEA). The amount of funding per teacher provided by the department to the program shall not exceed twenty-five percent (25%) of each teacher's annual salary for each year the program is providing services in support of the teacher. Such funding is limited to two (2) academic years per teacher. In order for the program to obtain funding from the department:

(a) The program and the LEA shall provide to the department verification of each teacher's fulfillment of the annual employment contract; and

(b) The program and the LEA shall provide verification that the LEA is providing funding to the program for recruiting and training each teacher in an amount equal to at least ten percent (10%) of the amount the department is providing to the program.

SECTION 2. That Section 33-1614, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 33-1615, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 33-1616, Idaho Code, be, and the same is hereby repealed.

SECTION 5. 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 18, Title 33, Idaho Code, and to read as follows:

CHAPTER 18

IDAHO LITERACY ACHIEVEMENT AND ACCOUNTABILITY ACT

33-1801. SHORT TITLE. This act shall be known and may be cited as the "Idaho Literacy Achievement and Accountability Act."

33-1802. DEFINITIONS. As used in this chapter:

(1) "Idaho comprehensive literacy plan" means the state board of education-approved, evidence-based plan outlining the minimum statewide literacy comprehension expectations and framework. This plan shall include details on data literacy, the statewide reading assessment, and best practices.

(2) "Local education agency" or "LEA" means a school district, including charter school districts, or a public charter school identified as an LEA pursuant to chapter 52, title 33, Idaho Code.

(3) "Statewide reading assessment" means the state board of education-approved assessment for facilitating continuous improvement, tailoring student-level instruction, and providing summative results.

33-1803. LEGISLATIVE FINDINGS. Pursuant to section 1, article IX, of the Idaho constitution, and the state constitutional duty to establish and maintain a general, uniform, and thorough system of public, free common schools, the legislature finds that ensuring all students have access through the public schools to evidence-based reading instruction and interventions focused on developing the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and text comprehension are significant components of ensuring that the system of public schools throughout the state is uniform and thorough. In exercising its duty of general supervision and governance of the public schools of the state, it is appropriate that the state board of education, supported by the department of education, hold local education providers accountable for demonstrating that the reading instruction they provide is focused on these foundational reading skills.

33-1804. IDAHO COMPREHENSIVE LITERACY PLAN. (1) The state board of education shall develop an Idaho comprehensive literacy plan designed to create a framework for all students to be proficient in literacy and prepared to read and learn in the next grade level, as applicable to the student's grade. The comprehensive literacy plan shall be evidence-based and include the identification of best practices for literacy development and interventions.

(2) The state board of education shall convene a group of education stakeholders consisting of, at a minimum, representation from the Idaho public school system and postsecondary education system with experience in literacy development and reading instruction and parents to review and make recommendations to the state board of education on updates to the Idaho comprehensive literacy plan. The comprehensive literacy plan shall be reviewed and updated at least every five (5) years.

(3) The comprehensive literacy plan shall:

- (a) Identify the state's strategy to ensure students develop strong literacy skills needed for future learning;
- (b) Set expectations for LEA-level leadership collaboration, professional development for staff, effective instruction and interventions, and the use of assessments and data for setting locally established student proficiency and growth targets; and
- (c) Identify evidence-based practices and tools aligned to the comprehensive literacy plan.

33-1805. STUDENT READING INSTRUCTION AND INTERVENTION. (1) It is the ultimate goal of the legislature that every student read at or above grade level by the end of grade 3. School districts shall offer a reading intervention program pursuant to this section to each kindergarten through grade 3 student who exhibits a reading deficiency on the statewide reading assessment pursuant to section 33-1806, Idaho Code, to ensure students can read at or above grade level at the end of grade 3. The reading intervention program shall be provided in addition to core reading instruction that is provided to all students in the general education classroom and must be in alignment with the Idaho comprehensive literacy plan. The reading intervention program shall:

- (a) Be provided to all kindergarten through grade 3 students identified with a reading deficiency as determined by the statewide reading assessments;
- (b) Provide intensive development in phonemic awareness, phonics, fluency, vocabulary, and text comprehension as applicable to the grade level; and
- (c) Monitor the reading progress of each student's reading skills throughout the school year and adjust instruction according to student needs. Monitoring may include both local and statewide assessments.

(2) Reading improvement plan. Any student in kindergarten through grade 3 who exhibits a deficiency in reading at any time based on the statewide assessment shall receive an individual reading improvement plan no later than thirty (30) days after the identification of the reading deficiency. The reading improvement plan shall be created by the teacher, principal, other pertinent school personnel, including staff-assigned library duties if applicable, and the student's parent or guardian and shall describe the reading intervention services the student will receive to remedy the reading deficit. Each student must receive intensive reading intervention until the student is determined to be proficient in reading for the student's grade level.

(a) Having made a good faith effort, should the school be unable to engage the parent or guardian in the development of the student's reading improvement plan within fifteen (15) days of notifying the parent, the school may move forward with the creation of the student's reading improvement plan without parental participation.

(b) Any student who has been identified as not proficient through a local literacy assessment may also be put on a reading improvement plan.

(c) Students who are on a reading improvement plan and have been identified through the statewide assessment to be at grade level may be transitioned off of the reading improvement plan. Schools must notify the parents or guardians in advance of transitioning students off of their reading improvement plan.

(3) Parent notification. The parent of any student in kindergarten through grade 3 who exhibits a deficiency in reading at any time during the school year must be notified in writing of the reading deficiency. The school district shall assist schools with providing written notification to the parent of any student who has not met grade-level proficiency.

(a) The initial notification must include the following:

(i) A statement that the student has been identified as having a deficiency in reading and that a reading improvement plan will be established by the teacher, principal, other applicable school personnel, and the parent or guardian;

(ii) A description of the current services that are provided to the student; and

(iii) A description of the available reading intervention and supplemental instructional services and supports that could be provided to the student that are designed to address the identified areas of reading deficiency.

(b) Following development of the plan, the parent will be provided with:

(i) A description of the reading intervention and supplemental instructional services and support that will be provided to the student that are designed to address the identified areas of reading deficiency; and

(ii) Strategies for parents to use at home in helping their student to succeed in reading.

(c) At the conclusion of each school year, or earlier if it has been determined that the student is proficient and is no longer in need of intervention, the parent or guardian will be updated on the student's progress, including any recommendation for placement.

(4) District annual reporting. Each school district shall report to the state department of education by October 1 of each year the number and percentage of students, by grade level, on an individualized reading improvement plan.

(5) Department responsibilities. The state department of education shall annually compile the information required along with state-level summary information and annually report such information to the state board of education, the public, the governor, and the legislature. The department shall provide technical assistance as needed to aid school districts in implementing the provisions of this section.

(6) The state board of education may promulgate rules for the administration and implementation of this section.

33-1806. READING AND LITERACY ASSESSMENT. (1) The state department of education shall be responsible for administration of all assessment efforts and shall train LEA-level assessment personnel and report results.

(2) In continuing recognition of the critical importance of reading skills, all public school students in kindergarten through grade 3 shall have their reading skills assessed. For purposes of this assessment, the Idaho comprehensive literacy plan shall be the reference document. The kindergarten assessment shall include reading readiness and phonological awareness. Grades 1, 2, and 3 shall test for fluency, comprehension, and accuracy of the student's reading. The assessment shall be by a single statewide test specified by the state board of education, and the state department of education shall ensure that testing shall take place no fewer than two (2) times per year in the relevant grades. Additional assessments may be administered to students who are identified for reading interventions as set forth in section 33-1805, Idaho Code. The state K-3 assessment test results shall be reviewed by school personnel for the purpose of providing necessary interventions to sustain or improve the students' reading skills. Results shall show for each school building with kindergarten through grade 3 in each school district and charter school the percentage of students who are achieving proficiency on the statewide reading assessment. Such results shall be maintained and compiled by the state department of education and shall be reported annually to the public through the state education dashboard and reported to the state board of education, the legislature, and the governor in a consistent manner, by school and by district.

(3) The assessment scores and interventions recommended and implemented shall be maintained in the permanent record of each student.

(4) The administration of the state K-3 assessments is to be done in the local school districts by individuals chosen by the district other than the regular classroom teacher. All those who administer the assessments shall be trained by the state department of education.

(5) It is the legislature's intent that curricular materials utilized by school districts for kindergarten through grade 3 shall be tied to evidence-based best practices and aligned with the Idaho comprehensive literacy plan.

33-1807. LITERACY INTERVENTION PROGRAM. (1) Each school district and public charter school shall establish an extended time literacy intervention program for students who score basic or below basic on the fall reading screening assessments or alternate reading screening assessment in kindergarten through grade 3 and submit it to the state board of education.

(2) (a) The program shall provide:

(i) Proven effective evidence-based substantial intervention and shall include phonemic awareness, decoding intervention, vocabulary, comprehension, and fluency as applicable to the student based on a formative assessment designed to, at a minimum, identify such weaknesses;

- (ii) A minimum of sixty (60) hours of supplemental instruction for students in kindergarten through grade 3 who score below basic on the reading screening assessment; and
- (iii) A minimum of thirty (30) hours of supplemental instruction for students in kindergarten through grade 3 who score basic on the reading screening assessment.

(b) The program may include adaptive learning technology literacy intervention tools as part of the literacy intervention program, must include parent input, be in alignment with the Idaho comprehensive literacy plan, and be from the state board of education-approved provider list established pursuant to subsection (3) of this section. Online or digital instructional materials that are not part of a comprehensive program do not have to be from the approved provider list.

(3) (a) The state board of education shall select adaptive learning technology literacy intervention providers through a request for proposals process to provide adaptive learning technology literacy intervention tools for school districts and charter schools to use as part of their literacy intervention programs for students in kindergarten through grade 3 that:

- (i) Include an academic program focused on building age-appropriate literacy skills that, at a minimum, include phonological awareness, phonics, fluency, comprehension, and vocabulary;
- (ii) Use an evidence-based early intervention model;
- (iii) Include a parental engagement and involvement component that allows parents to participate in their student's use of the tool at school or at home; and
- (iv) Address early reading and literacy intervention through the use of an interactive and adaptive computer software program.

(b) To remain on the approved provider list after the first year of identification, programs must be evaluated each year to determine effectiveness by an independent external evaluator. The evaluation will be based on a full academic year of implementation of tools implemented with fidelity and will include, at a minimum, growth toward proficiency measures.

(4) The state board of education shall identify national evidence-based best practices and proven effective state intervention practices. The state department of education shall share state board of education-identified intervention practices with school districts and charter schools throughout the state and maintain a resource center of best practices for literacy intervention for students in kindergarten through grade 3. The resource center shall include, at a minimum, resources for parents and schools.

(5) Of the funds appropriated for the purpose of this section, no more than one hundred dollars (\$100) per student may be used for transportation costs.

(6) For the purpose of program reimbursement, the state department of education shall adopt reporting forms, establish reporting dates, and adopt such additional guidelines and standards as necessary to accomplish the program goals that every child will read fluently and comprehend printed text on grade level by the end of third grade.

(7) To ensure students receive high-quality literacy instruction and intervention, the state department of education shall provide professional development to districts and schools on best practices supporting literacy instruction that includes data literacy, the statewide reading assessment, and best practices as outlined in the Idaho comprehensive literacy plan. Intervention program participation and effectiveness by school and district shall be presented annually to the state board of education, the legislature, and the governor.

(8) The state board of education or its delegate shall annually evaluate the cost and efficacy of literacy interventions used throughout Idaho.

(9) The state board of education may promulgate rules implementing the provisions of this section. At a minimum, such rules shall include student trajectory growth to proficiency benchmarks and a timeline for reaching such benchmarks.

33-1808. EDUCATOR PREPARATION. (1) The state board of education 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 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.

(2) The higher education institutions shall be responsible for the preservice assessment measures for all kindergarten through grade 12 teacher preparation programs. The assessment must include a demonstration of teaching skills and knowledge congruent with current research on best reading practices. The assessment may consist of multiple measures, in alignment with best practices, for the demonstration of these skills. Each institution shall report annually to the state board of education the number of preservice teachers who have passed the assessment. The state board of education shall then compile the statewide results and report to the legislature and the governor.

(3) For all Idaho teachers working on interim certificates, alternate routes, or coming from out of state, completion of a state-approved reading instruction course shall be a onetime requirement for full certification.

(4) 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.

33-1809. ACCOUNTABILITY AND CONTINUOUS IMPROVEMENT. (1) In recognition of the critical role leadership plays in creating a culture in our schools around continuous improvement, it is the intent of the legislature to provide local school boards of trustees and charter school boards of directors with the resources necessary to work effectively with school leadership to set goals and growth targets.

(2) All newly elected or appointed board members shall participate in at least one (1) board member orientation focused on:

(a) State and school district or charter school resources available for literacy intervention and improvements;

(b) School, district, and state level data available to track progress on student literacy proficiency and growth toward proficiency; and

(c) How to set measurable goals for improving student proficiency.

(3) Every board of trustee member or charter school director shall participate in the literacy intervention orientation and training by June 30, 2023, or as provided by the state board of education thereafter.

(4) School district and charter schools shall set annual literacy proficiency and growth targets for students in kindergarten through grade 3.

(5) Literacy proficiency and growth targets shall align with the continuous improvement plan goals and targets of the school district or charter school and the framework for schools to achieve statewide literacy growth targets. Goal-setting and growth targets shall be based on comparisons between similar cohorts of students in similar school buildings and school districts.

(6) There shall be a statewide dashboard available for school personnel, parents, the governor, and the legislature to use to view progress toward the school's literacy proficiency and growth targets and statewide progress toward the statewide literacy growth targets set by the state board of education. Information shall be available by school level based on like cohorts of students in similar schools and school districts.

33-1810. RULEMAKING AUTHORITY. The state board of education may promulgate rules for the implementation of this chapter.

SECTION 6. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

(1) State Educational Support Funds. Add the state appropriation, including the moneys available in the public school income fund, together with all miscellaneous revenues to determine the total state funds.

(2) From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:

(a) Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;

(b) Transportation support program as provided in section 33-1006, Idaho Code;

(c) Feasibility studies allowance as provided in section 33-1007A, Idaho Code;

(d) The approved costs for border district allowance, provided in section 33-1403, Idaho Code, as determined by the state superintendent of public instruction;

(e) The approved costs for exceptional child approved contract allowance, provided in subsection 2. of section 33-2004, Idaho Code, as determined by the state superintendent of public instruction;

(f) Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;

(g) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(h) For expenditure as provided by the public school technology program;

(i) For employee severance payments as provided in section 33-521, Idaho Code;

(j) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;

(k) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;

(l) For an online course portal as provided for in section 33-1024, Idaho Code;

(m) For advanced opportunities as provided for in chapter 46, title 33, Idaho Code;

(n) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;

(o) For leadership premiums as provided in section 33-1004J, Idaho Code;

(p) For master teacher premiums as provided in section 33-1004I, Idaho Code;

(q) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;

(r) An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed for grades 8 through 12 as follows:

(i) For school districts and public charter schools with one hundred (100) or more students enrolled in grades 8 through 12, a pro rata distribution based on students enrolled in grades 8 through 12 or eighteen thousand dollars (\$18,000), whichever is greater;

(ii) For school districts and public charter schools with fewer than one hundred (100) students enrolled in grades 8 through 12, one hundred eighty dollars (\$180) per student enrolled in grades 8 through 12 or nine thousand dollars (\$9,000), whichever is greater;

(s) An amount specified in the public schools educational support program appropriation bill for literacy intervention pursuant to section 33-~~1616~~807, Idaho Code, the disbursements made to the school districts and public charter schools in the aggregate shall not exceed the total amount appropriated for this purpose and shall be based on the actual costs of such intervention programs. School districts and public charter schools shall be reimbursed in full or in pro rata based on the average number of students in kindergarten through grade 3 who score basic or below basic on the fall statewide reading assessment in the prior three (3) years;

(t) For mastery-based education as provided for in section 33-1630~~2~~, Idaho Code;

(u) For pay for success contracting as provided in section 33-125B, Idaho Code; and

(v) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Units Allowed
41 or more....	40.....	1 or more as computed
31 - 40.99 ADA....	-.....	1
26 - 30.99 ADA....	-.....	.85
21 - 25.99 ADA....	-.....	.75
16 - 20.99 ADA....	-.....	.6
8 - 15.99 ADA....	-.....	.5
1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....	.....	.. 15
	..23...grades 4,5 & 6....	
	..22...grades 1,2 & 3....1994-95	
	..21...grades 1,2 & 3....1995-96	
	..20...grades 1,2 & 3....1996-97	
	and each year thereafter.	
160 to 299.99 ADA...	20.....	8.4
110 to 159.99 ADA...	19.....	6.8
71.1 to 109.99 ADA...	16.....	4.7
51.7 to 71.0 ADA...	15.....	4.0
33.6 to 51.6 ADA...	13.....	2.8
16.6 to 33.5 ADA...	12.....	1.4
1.0 to 16.5 ADA...	n/a.....	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
750 or more....	18.5.....	47
400 - 749.99 ADA....	16.....	28
300 - 399.99 ADA....	14.5.....	22
200 - 299.99 ADA....	13.5.....	17
100 - 199.99 ADA....	12.....	9
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
Grades 7- 9	.....	¹ per 14 ADA
Grades 7- 8	.....	¹ per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
14 or more....	14.5	1 or more as computed
12 - 13.99....	-	1
8 - 11.99....	- .....	.75
4 - 7.99....	- .....	.5
1 - 3.99....	- .....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

(Computation of alternative school support units shall include grades 6 through 12)

Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
12 or more.....	12	1 or more as computed

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of fewer days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The attendance of students attending an alternative school in a school district reporting fewer than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative table if the student is from a school district reporting fewer than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative school, unless the alternative school in question serves students from multiple districts reporting fewer than one hundred (100) secondary students in average daily attendance. The tables for exceptional education and alternative school support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

(5) State Distribution Factor per Support Unit. Divide educational support program distribution funds, after subtracting the amounts necessary to pay the obligations specified in subsection (2) of this section, by the total state support units to secure the state distribution factor per support unit.

(6) District Support Units. The number of support units for each school district in the state shall be determined as follows:

- (a) (i) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school students. Calculations in application of this subsection shall be carried out to the nearest hundredth.

(ii) Divide the combined totals of the average daily attendance of all preschool, kindergarten, elementary, secondary, juvenile detention center students and students with disabilities approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest hundredth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subparagraph (i) of this paragraph, and the support units allowance for the approved exceptional child program, subparagraph (ii) of this paragraph.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest hundredth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, paragraph (b) of this subsection.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of paragraph (c) of this subsection.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section, a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

Approved April 27, 2021

CHAPTER 293
(H.B. No. 377)

AN ACT

RELATING TO DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-138, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE LEGISLATIVE FINDINGS, TO ESTABLISH PROHIBITIONS REGARDING CERTAIN TENETS, DISTINCTIONS OR CLASSIFICATIONS, OR COURSES OF INSTRUCTION OR UNITS OF STUDY, AND TO PROVIDE FOR STATUTORY CONSTRUCTION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-139, IDAHO CODE, TO PROHIBIT THE EXPENDITURE OF MONEYS FOR CERTAIN PURPOSES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-138, Idaho Code, and to read as follows:

33-138. DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION. (1) It is the intent of the legislature that administrators, faculty members, other employees, and students at public schools, including public charter schools and institutions of higher education, respect the dignity of others, acknowledge the right of others to express differing opinions, and foster and defend intellectual honesty, freedom of inquiry and instruction, and freedom of speech and association.

(2) The Idaho legislature finds that tenets outlined in subsection (3) (a) of this section, often found in "critical race theory," undermine the objectives outlined in subsection (1) of this section and exacerbate and inflame divisions on the basis of sex, race, ethnicity, religion, color, national origin, or other criteria in ways contrary to the unity of the nation and the well-being of the state of Idaho and its citizens.

(3) In accordance with section 6, article IX of the constitution of the state of Idaho and section 67-5909, Idaho Code:

(a) No public institution of higher education, school district, or public school, including a public charter school, shall direct or otherwise compel students to personally affirm, adopt, or adhere to any of the following tenets:

(i) That any sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior;

(ii) That individuals should be adversely treated on the basis of their sex, race, ethnicity, religion, color, or national origin; or

(iii) That individuals, by virtue of sex, race, ethnicity, religion, color, or national origin, are inherently responsible for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin.

(b) No distinction or classification of students shall be made on account of race or color.

(c) No course of instruction or unit of study directing or otherwise compelling students to personally affirm, adopt, or adhere to any of the tenets identified in paragraph (a) of this subsection shall be used or introduced in any institution of higher education, any school district, or any public school, including a public charter school.

(4) Nothing in this section should be construed to prohibit the required collection or reporting of demographic data by public schools or public institutions of higher education.

SECTION 2. That Chapter 1, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-139, Idaho Code, and to read as follows:

33-139. PROHIBITION ON THE EXPENDITURE OF MONEYS FOR CERTAIN PURPOSES. No moneys shall be expended by the state board of education, any entity under the state board of education's jurisdiction, or any school district, public charter school, or public institution of higher education for any purpose prohibited in section 33-138, Idaho Code.

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

Approved April 28, 2021

CHAPTER 294

(H.B. No. 161, As Amended, As Amended in the Senate)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-306, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN LICENSING AND INSTRUCTION FEES; AND AMENDING SECTION 49-2444, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN IDENTIFICATION CARD FEES AND AMOUNTS TO BE RETAINED BY COUNTIES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 49-306, Idaho Code, be, and the same is hereby amended to read as follows:

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

- (a) Class A, B, C (4-year) license with endorsements -- age 21 years and older \$40.00
- (b) Class A, B, C (3-year) license with endorsements -- age 18 to 21 years \$30.00
- (c) Class A, B, C (1-year) license with endorsements -- age 20 years \$15.00
- (d) Class D (3-year) license -- under age 18 years \$2530.00
- (e) Class D (3-year) license -- age 18 to 21 years \$2530.00
- (f) Class D (1-year) license -- age 17 years or age 20 years .. \$1520.00
- (g) Four-year Class D license -- age 21 years and older \$305.00

- (h) Eight-year Class D license -- age 21 to 63 years \$5560.00
- (i) Commercial learner's permit \$29.00
- (j) Class D instruction permit or supervised instruction permit
..... \$1520.00
- (k) Duplicate driver's license or permit issued under
section 49-318, Idaho Code \$1520.00
- (l) Driver's license extension issued under section
49-319, Idaho Code \$10.00
- (m) License classification change (upgrade) \$2530.00
- (n) Endorsement addition \$1520.00
- (o) Class A, B, C skills tests not more than \$200.00
- (p) Class D skills test not more than \$35.00
- (q) Motorcycle endorsement skills test not more than \$25.00
- (r) Knowledge test \$ 35.00
- (s) Seasonal driver's license \$3944.00
- (t) Onetime motorcycle "M" endorsement \$15.00
- (u) Motorcycle endorsement instruction permit \$15.00
- (v) Restricted driving permit or restricted school attendance
driving permit..... \$60.00

(2) A person who applies for a driver's license or a driver's license renewal may designate a voluntary contribution of two dollars (\$2.00) for the purpose of promoting and supporting organ donation. Such a contribution shall be treated as a voluntary contribution to the organ donation contribution fund created in section 49-2447, Idaho Code, and not as a driver's license fee.

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

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

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

- (i) Present written verification from the social security administration that the applicant has not been assigned a social security number; and
- (ii) Submit a birth certificate, passport or other documentary evidence issued by an entity other than a state or the United States; and
- (iii) Submit such proof as the department may require that the applicant is lawfully present in the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Deposit an amount equal to five dollars (\$5.00) from each commercial license, five ten dollars (\$510.00) from each driver's license except an eight-year class D license, or any class D instruction permit application fees, application for a duplicate driver's license or permit, classification change, seasonal driver's license and additional endorsement, and ten fifteen dollars (\$105.00) from each eight-year class D driver's license, in the current expense fund;

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

(c) Deposit an amount equal to ~~three~~ five dollars (\$35.00) from each fee for a knowledge test in the current expense fund;

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

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

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

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

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

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

pursuant to subsection (1) (h) of this section and three dollars (\$3.00) of each fee for driver's licenses pursuant to subsection (1) (b), (d) and (e) of this section, and one dollar (\$1.00) of each fee charged for driver's licenses pursuant to subsection (1) (c) and (f) of this section shall be deposited in the emergency medical services fund III created in section 56-1018B, Idaho Code;

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

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

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

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

(f) Seven dollars and fifty cents (\$7.50) of each fee for a motorcycle endorsement and motorcycle endorsement instruction permit shall be deposited in the state highway account;

(g) Five dollars and thirty cents (\$5.30) of each fee for a four-year class D driver's license, and ten dollars and sixty cents (\$10.60) of each fee for an eight-year class D driver's license, and four dollars (\$4.00) of each fee charged for a license pursuant to subsection (1) (d) and (e) of this section, and one dollar and thirty-three cents (\$1.33) of each fee charged for a license pursuant to subsection (1) (f) of this section shall be deposited in the driver training account;

(h) Twelve dollars and seventy cents (\$12.70) of each fee for a four-year class D driver's license, and twenty dollars and forty cents (\$20.40) of each fee for an eight-year class D driver's license, and ten dollars and fifty cents (\$10.50) of each fee charged for a license pursuant to subsection (1) (d) and (e) of this section, and six dollars and eighty-three cents (\$6.83) of each fee charged for a license pursuant to subsection (1) (f) of this section shall be deposited in the highway distribution account;

(i) Two dollars and sixty cents (\$2.60) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the driver training account;

(j) Seven dollars and forty cents (\$7.40) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the highway distribution account;

(k) Ten dollars (\$10.00) of each fee for a class A, B or C skills test shall be deposited in the state highway account;

(l) One dollar (\$1.00) of each fee for a class A, B, C or four-year D driver's license, and two dollars (\$2.00) of each fee for an eight-year class D driver's license, and one dollar (\$1.00) of each fee charged for a license pursuant to subsection (1) (b), (d) and (e) of this section, and thirty-four cents (34¢) of each fee charged for a license pursuant to subsection (1) (c) and (f) of this section shall be deposited in the motorcycle safety program fund established in section 33-4904, Idaho Code;

(m) Six dollars and fifty cents (\$6.50) of each fee for a class D skills test shall be deposited into the state highway account; and

(n) Each voluntary contribution of two dollars (\$2.00) as described in subsection (2) of this section, less actual administrative costs associated with collecting and transferring such contributions, shall be deposited into the organ donation contribution fund created in section 49-2447, Idaho Code.

(10) The contractor administering a class A, B or C skills test shall be entitled to not more than one hundred ninety dollars (\$190) of the skills test fee. A contractor administering a class A, B or C skills test may collect an additional fee for the use of the contractor's vehicle for the skills test.

(11) Sixty dollars (\$60.00) of each restricted driving permit and each restricted school attendance driving permit shall be deposited in the state highway account.

(12) The department may issue seasonal class B or C driver's licenses to drivers who are employees of agri-chemical businesses, custom harvesters, farm retail outlets and suppliers, and livestock feeders that:

(a) Will only be valid for driving commercial vehicles that normally require class B or C commercial driver's licenses;

(b) Will be valid for seasonal periods that begin on the date of issuance and that are not to exceed one hundred eighty (180) days in a twelve (12) month period;

(c) May only be obtained twice in a driver's lifetime;

(d) Are valid only within a one hundred fifty (150) mile radius of the place of business or farm being serviced; and

(e) Will be valid only in conjunction with valid Idaho class D driver's licenses.

(13) The department may issue seasonal class B or C driver's licenses to drivers who:

(a) Have not violated the single license provisions of applicable federal regulations;

(b) Have not had any license suspensions, revocations or cancellations;

(c) Have not had any convictions in any vehicle for any offense listed in section 49-335(1) or (2), Idaho Code, or any one (1) serious traffic offense;

(d) Have at least one (1) year of driving experience with a class D or equivalent license in any type motor vehicle; and

(e) Are at least sixteen (16) years old.

SECTION 2. That Section 49-2444, Idaho Code, be, and the same is hereby amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1) The department shall issue a distinguishing identification card that shall set forth the information contained in the application, in a form as prescribed by the department. All identification cards issued on or after January 1, 1993, shall not contain the applicant's social security number. An applicant's social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers, or from jury commissioners. Each card shall have printed on it the applicant's full name, date of birth, Idaho residence address, sex, weight, height, eye color, and hair color and shall be issued a distinguishing number assigned to the applicant. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant's identification card shall contain his or her alternative Idaho mailing address in place of his or her Idaho residence address. Each card shall also have printed on

it the name of this state, the date of issuance, and the date of expiration. An identification card shall not be valid until it has been signed on the signature line by the applicant. Each card shall bear upon it a color photograph of the applicant, which shall be taken by the examiner at the time of application. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes as long as the face is not disguised or otherwise concealed. At the request of the applicant, an identification card may contain a statement or indication of the medical condition of the applicant.

No person shall receive an identification card unless and until he surrenders to the department all identification cards in his possession issued to him by Idaho or any other jurisdiction, or any driver's license issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess an identification card or any driver's license.

Identification cards issued to persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and identification cards issued to persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day, year)." The nonrefundable fee for a four (4) year identification card issued to persons twenty-one (21) years of age or older shall be ~~ten~~ fifteen dollars (\$10~~5~~.00), of which ~~five~~ ten dollars (\$5~~10~~.00) shall be retained by the county and credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for identification cards issued to persons under twenty-one (21) years of age shall be ten dollars (\$10.00), of which five dollars (\$5.00) shall be retained by the authorized issuing agent or, if issued by the county, shall be credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for an eight (8) year identification card shall be ~~twenty-five~~ twenty-five dollars (\$20~~5~~.00), of which ~~ten~~ fifteen dollars (\$10~~5~~.00) shall be retained by the authorized issuing agent or, if issued by the county, shall be credited to the current expense fund, and ten dollars (\$10.00) shall be deposited in the state treasury to the credit of the highway distribution account. At the option of the applicant, the identification card issued to a person twenty-one (21) years of age or older shall expire either on the ~~cardholder's~~ card holder's birthday in the fourth year or the eighth year following issuance of the card, except as otherwise provided in subsection (3) of this section. Every identification card issued to a person under eighteen (18) years of age shall expire five (5) days after the person's eighteenth birthday, except as otherwise provided in subsection (3) of this section. Every identification card issued to a person eighteen (18) years of age but under twenty-one (21) years of age shall expire five (5) days after the person's twenty-first birthday, except as otherwise provided in subsection (3) of this section.

Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for an identification card. Any registration information so supplied shall be transmitted by the department to the selective service system.

(2) Every identification card, except those issued to persons under twenty-one (21) years of age, shall be renewable on or before its expiration, but not more than twenty-five (25) months before, and upon application and payment of the required fee.

(3) Every identification card issued to a person who is not a citizen or permanent legal resident of the United States shall have an expiration date that is the same date as the end of lawful stay in the United States as indicated on documents issued and verified by the department of homeland security, provided however, that the expiration date shall not extend beyond the expiration date for the same category of identification card issued to citizens. Persons whose department of homeland security documents do not state an expiration date shall be issued an identification card with an expiration date of one (1) year from the date of issuance.

(4) When an identification card has been expired for less than twenty-five (25) months, the renewal of the identification card shall start from the original date of expiration, regardless of the year in which the application for renewal is made. If the identification card is expired for more than twenty-five (25) months, the application shall expire, at the option of the applicant, on the applicant's birthday in the fourth year or the eighth year following reissuance of the identification card, except as otherwise provided in subsection (3) of this section.

(5) (a) If an Idaho identification card has expired or will expire and the identification ~~cardholder~~ card holder is temporarily out of state, except on active military duty, the identification ~~cardholder~~ card holder may request in writing on a form prescribed by the department an extension of the identification card. The request shall be accompanied by the fee fixed in section 49-306, Idaho Code, and the extension shall be no more than a twelve (12) month period. If the department determines that an extension of the identification card is necessary, it may issue an identification card showing the date to which the expired identification card is extended. Identification card extensions are limited to two (2) consecutive extensions per identification ~~cardholder~~ card holder.

(b) Upon returning to the state of Idaho, the identification ~~cardholder~~ card holder shall, within ten (10) days, apply for a renewal of the expired identification card and surrender the extended identification card and the expired identification card.

(6) An Idaho identification card issued to any person prior to serving on active duty in the armed forces of the United States, or a member of the immediate family accompanying such a person, if valid and in full force and effect upon entering active duty, shall remain in full force and effect and shall, upon application, be extended for a period of four (4) years as long as active duty continues, and the identification card shall remain in full force and effect sixty (60) days following the date the ~~cardholder~~ card holder is released from active duty.

(7) A person possessing an identification card who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, may, at the option of the donor, indicate this desire on the identification card by the imprinting of the word "donor" on the identification card. The provisions of this subsection shall apply to persons possessing an identification card who are fifteen (15) years of age or older but less than eighteen (18) years of age if the requirements provided in chapter 34, title 39, Idaho Code, have been complied with.

(8) A person possessing an identification card or an applicant for an identification card who is a person with a permanent disability may request that the notation "permanently disabled" be imprinted on the identification card, provided the person presents written certification from a licensed physician verifying that the person's stated impairment qualifies as a permanent disability according to the provisions of section 49-117, Idaho Code.

(9) A person who is a veteran may request that his or her status as such be designated on an identification card at no additional cost. Any such request shall be accompanied by proof of being a current or former member of the United States armed forces. Upon request and submission of satisfactory proof, the department shall indicate such person's status as a veteran on any identification card issued pursuant to the provisions of this section. Such designation shall be made upon original issuance or renewal of an identification card. Designation shall also be made on any duplicate identification card issued, provided that the fee for such duplicate card is paid in accordance with this section.

Satisfactory proof of being a current or former member of the United States armed forces must be furnished by an applicant to the department before a designation of veteran status will be indicated on any identification card. Acceptable proof shall be a copy of form DD214 or an equivalent document or statement from the department of veterans affairs that identifies a character of service upon separation as "honorable" or "general under honorable conditions."

(10) In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(11) Whenever any person, after applying for or receiving an identification card, shall move from the address shown on the application or on the identification card issued, that person shall, within thirty (30) days, notify the transportation department in writing of the old and new addresses.

(12) The department shall cancel any identification card upon determining that the person was not entitled to the issuance of the identification card, or that the person failed to give the required and correct information in his application or committed fraud in making the application. Upon cancellation, the person shall surrender the canceled identification card to the department.

(13) If any person shall fail to return to the department the identification card as required, the department may direct any peace officer to secure its possession and return the identification card to the department.

(14) The department may issue a no-fee identification card to an individual whose driver's license has been canceled and voluntarily surrendered as provided in section 49-322(5), Idaho Code. The identification card may be renewed at no cost to the applicant as long as the driver's license remains canceled.

(15) It is an infraction for any person to fail to notify the department of a change of address as required by the provisions of subsection (11) of this section.

Approved April 28, 2021

CHAPTER 295

(H.B. No. 229, As Amended in the Senate)

AN ACT

RELATING TO SNOWMOBILE FEES; AMENDING SECTION 67-7103, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN FEES, TO REMOVE A REQUIREMENT REGARDING VALIDATION STICKER PLACEMENT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7104, IDAHO CODE, TO REVISE PROVISIONS REGARDING A FEE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-7106, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN FEES, TO PROVIDE FOR CERTAIN ALLOCATIONS, TO PROVIDE FOR THE STATE SNOWMOBILE AVALANCHE FUND, AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 71, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-7107A, IDAHO CODE, TO PROVIDE FOR THE STATE SNOWMOBILE AVALANCHE FUND AND TO ESTABLISH PROVISIONS REGARDING THE STATE SNOWMOBILE AVALANCHE FUND COMMITTEE.

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

SECTION 1. That Section 67-7103, Idaho Code, be, and the same is hereby amended to read as follows:

67-7103. APPLICATION FOR NUMBER -- ATTACHMENT OF VALIDATION STICKERS -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CERTIFICATE -- TRANSFER OF CERTIFICATE FEE -- TEMPORARY NUMBER -- FEES. (1) On or before November 1 of each year, the owner of each snowmobile requiring numbering by the state of Idaho shall file an application for number with the department on forms approved by it. The application shall be signed by the owner and shall, except as provided in subsection (7) of this section, be accompanied by a fee of ~~thirty-one~~ forty-five dollars and fifty cents (\$~~31~~45.950). Upon receipt of the application, the department shall issue to the applicant a certificate of number stating the number assigned to the snowmobile and the name and address of the owner. The owner shall attach to the snowmobile the validation sticker in a manner as may be prescribed by rules of the department. The validation sticker shall be located on the ~~right and left side of the cowling of the~~ snowmobile and shall be completely visible and shall be maintained in legible condition. The certificate of number shall be pocket-size and shall be available at all times for inspection on the snowmobile for which issued, wherever the snowmobile is in operation.

(2) The department may issue any certificate of number directly or may authorize any persons to act as vendor for the issuance. In the event a person accepts the authorization, he may be assigned a block of validation stickers and certificates of number ~~which~~ that, upon issue, in conformity with this chapter and with any rules of the department, shall be valid as if issued directly by the department.

(3) All records of the department made or kept pursuant to this section shall be public records.

(4) Each snowmobile must be numbered before it leaves the premises at the time of sale from any retail snowmobile dealer.

(5) The purchaser of a snowmobile shall, within fifteen (15) days immediately after acquisition, make application to the department for transfer to him of the certificate of number issued to the snowmobile, giving his name, address and the number of the snowmobile and shall at the same time pay to the department a fee of three dollars (\$3.00). Upon receipt of the application and fee, the department shall transfer the certificate of number issued for the snowmobile to the new owner or owners. Unless the application is made and fee paid within fifteen (15) days, the snowmobile shall be considered to be without a certificate of number and it shall be unlawful for any person to operate that snowmobile until the certificate is issued.

(6) No number, other than the validation stickers issued to a snowmobile pursuant to this chapter, shall be painted, attached, or otherwise displayed on the snowmobile, except a temporary number may be attached to identify a snowmobile for the purpose of racing or other sporting events.

(7) Resident and nonresident owners of snowmobiles used for rental purposes shall purchase validation stickers for ~~sixty-one~~ seventy-five dollars and fifty cents (~~\$61.75.050~~) and the validation stickers shall be displayed on the machine at all times.

SECTION 2. That Section 67-7104, Idaho Code, be, and the same is hereby amended to read as follows:

67-7104. NONRESIDENT SNOWMOBILE USER CERTIFICATE REQUIRED. The owner of a nonresident, noncommercial snowmobile shall not be required to comply with the certificate of numbering requirements of the state of Idaho, but shall be required to obtain a nonresident snowmobile user certificate. A fee of ~~thirty-one~~ fifty-nine dollars and fifty cents (~~\$31.00~~59.50) shall be imposed for the issuance of a nonresident snowmobile user certificate. The validation stickers shall be displayed in the same manner as provided in section 67-7103, Idaho Code. Nonresident snowmobile user certificates shall be valid beginning November 1 through October 31 of the following year. Issuance and administration of nonresident snowmobile user certificates shall be conducted in the same manner as provided in section 67-7103, Idaho Code, for numbering of snowmobiles.

(1) For purposes of this section, "nonresident" shall be as defined in section 36-202, Idaho Code.

(2) In the absence of a bona fide program in the area or upon the request of the bona fide county snowmobile advisory committee of the nearest affected county in Idaho, the requirements for the nonresident snowmobile user certificate may be waived by the parks and recreation board on specific trails where the snowmobile trail grooming is solely supported by a state other than Idaho.

SECTION 3. That Section 67-7106, Idaho Code, be, and the same is hereby amended to read as follows:

67-7106. DISTRIBUTION OF MONEYS COLLECTED -- COUNTY SNOWMOBILE FUND -- STATE SNOWMOBILE FUND -- DEPARTMENT OF LANDS ALLOCATION -- STATE SNOWMOBILE SEARCH AND RESCUE FUND -- STATE SNOWMOBILE AVALANCHE FUND. (1) Each vendor shall, not later than the fifteenth day of each month, remit all moneys collected under the provisions of sections 67-7103 and 67-7104, Idaho Code, to the state treasurer for credit to the state snowmobile fund, established in the dedicated fund, to be administered by the director, except that ~~one dollar (\$1.00)~~ the amounts designated in this subsection from each snowmobile certificate of number fee, ~~one dollar (\$1.00)~~ from each rental certificate of number fee, and ~~one dollar (\$1.00)~~ from each nonresident snowmobile user certificate issued by the vendor shall be credited by the state treasurer to each of the following funds or entities:

(a) Two dollars (\$2.00) to the state snowmobile search and rescue fund created in section 67-2913A, Idaho Code;

(b) One dollar (\$1.00) to the state snowmobile avalanche fund created in section 67-7107A, Idaho Code; and

(c) One dollar (\$1.00) to the Idaho department of lands to provide snowmobile opportunities and to repair damage directly related to snowmobile use, provided that the Idaho department of lands shall annually publish a report specifically identifying the uses of moneys allocated pursuant to this subsection.

(2) Each county with a bona fide snowmobile program shall be entitled to receive from the department eighty-five percent (85%) of the moneys generated for that county during that certificate of number period. Counties with a bona fide snowmobile program may use up to fifteen percent (15%) of their county snowmobile moneys upon recommendation by their county snowmobile advisory committee for snowmobile law enforcement purposes.

(3) Up to fifteen percent (15%) of the revenue generated from snowmobile certificates of number each year may be used by the department to defray administrative costs. Any moneys unused at the end of the fiscal year shall be returned to the state treasurer for deposit in the state snowmobile fund.

(4) Vendors shall be entitled to ~~charge an additional~~ retain a handling fee of one dollar and fifty cents (\$1.50) ~~handling fee~~ per certificate of number for the distribution of certificates of number. Handling fees collected by the department shall be deposited to the state snowmobile fund.

(5) For those certificates of number not designated to a bona fide county snowmobile program, the moneys generated shall be deposited to the state snowmobile fund, and such fund shall be available to the department for snowmobile-related expenses.

SECTION 4. That Chapter 71, 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 67-7107A, Idaho Code, and to read as follows:

67-7107A. STATE SNOWMOBILE AVALANCHE FUND -- STATE SNOWMOBILE AVALANCHE FUND COMMITTEE. (1) There is hereby established in the state treasurer's office an account to be known and designated as the "state snowmobile avalanche fund." This fund shall receive one dollar (\$1.00) from each snowmobile certificate of number fee, one dollar (\$1.00) from each rental certificate of number fee, and one dollar (\$1.00) from each nonresident snowmobile user certificate issued by vendors, as provided for in section 67-7106, Idaho Code. This fund shall be managed by the state snowmobile avalanche fund committee.

(2) The board shall appoint a state snowmobile avalanche fund committee (SSAFC) of five (5) members. The membership of the SSAFC shall consist of the director of the United States forest service national avalanche center, or his designee, who shall chair the SSAFC, and one (1) active snowmobiler from each of the following districts: north Idaho, central Idaho, south Idaho, and east Idaho. These four (4) regional members of the SSAFC shall be appointed by the board from a list of no fewer than two (2) persons nominated by the Idaho state snowmobile association, and said members shall serve a term of four (4) years, except that the term of the initial appointees shall commence on the date of appointment and shall be staggered such that at least one (1) position is up for appointment each year. Each member of the SSAFC must be a qualified elector of the state, maintaining a residence and domicile within the district of appointment. For purposes of SSAFC membership and representation, the four (4) districts shall be as follows:

(a) North Idaho consists of Boundary, Bonner, Kootenai, Benewah, Latah, Shoshone, Clearwater, Nez Perce, Lewis, and Idaho counties.

(b) Central Idaho consists of Adams, Washington, Valley, Payette, Gem, Boise, Canyon, Ada, Elmore, and Owyhee counties.

(c) South Idaho consists of Lemhi, Custer, Butte, Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls, and Cassia counties.

(d) East Idaho consists of Clark, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Power, Bannock, Caribou, Bear Lake, Franklin, and Oneida counties.

(3) The duties of the SSAFC include:

(a) Determining and directing distributions from the state snowmobile avalanche fund, at least annually, to avalanche centers within the state of Idaho or avalanche centers providing reporting services within the state of Idaho operated and administered by the national avalanche center, United States forest service, or United States department of agriculture. The SSAFC may require that applications or proposals be submitted for review and consideration from avalanche centers seeking funds from the state snowmobile avalanche fund. The SSAFC must require the funds so distributed be used for existing avalanche center operations and maintenance within or for the benefit of areas within the state of Idaho, which include: avalanche forecaster labor; website and information technology improvements and maintenance; snowmobiles and related equipment; remote weather station installation and upkeep; avalanche education costs; and safety equipment;

(b) Representing the best interests of the snowmobile users in the district from which each member is appointed; and

(c) Advising existing avalanche centers in Idaho and registered non-profit organizations that support them as to whether current projects meet the needs of snowmobile users in that area.

(4) The SSAFC shall be compensated as provided in section 59-509(b), Idaho Code.

Approved April 28, 2021

CHAPTER 296
(H.B. No. 367)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2021; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2022; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATIVE SERVICES OFFICE FOR FISCAL YEAR 2022; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS TO THE LEGISLATIVE SERVICES OFFICE FOR FISCAL YEAR 2022; 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 180, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Controller for the Administration Program the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2020, through June 30, 2021, for the purpose of hiring staff to begin developing an online financial reporting platform for local governments:

FOR:

Personnel Costs	\$29,200
Operating Expenditures	<u>58,800</u>
TOTAL	\$88,000

SECTION 2. FTP AUTHORIZATION. In addition to the authorization provided in Section 2, Chapter 180, Laws of 2020, the full-time equivalent position authorization provided to the Office of the State Controller is hereby increased by one (1.00) for the period July 1, 2020, through June 30, 2021.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Office of the State Controller for the Administration Program the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2021, through June 30, 2022, for the purpose of hiring additional staff to develop and maintain an online financial reporting platform for local governments:

FOR:

Personnel Costs	\$321,700
Operating Expenditures	<u>1,176,500</u>
TOTAL	\$1,498,200

SECTION 4. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Office of the State Controller is hereby increased by three (3.00) for the period July 1, 2021, through June 30, 2022.

SECTION 5. In addition to any other appropriation provided by law, there is hereby appropriated to the Legislative Services Office \$92,200 from the General Fund to be expended for personnel costs for the period July 1, 2021, through June 30, 2022.

SECTION 6. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Legislative Services Office is hereby increased by one (1.00) for the period July 1, 2021, through June 30, 2022.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval.

Approved April 28, 2021

CHAPTER 297
(H.B. No. 371)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE POLICE; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2022; 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 231, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Idaho State Police for the Patrol Program \$30,000 from the General Fund to be expended for personnel costs for the period July 1, 2020, through June 30, 2021, for the purpose of a security detail at the Capitol and the Supreme Court.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho State Police for the Patrol Program the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2021, through June 30, 2022, for the purpose of a security detail at the Capitol and the Supreme Court:

FOR:

Personnel Costs	\$1,335,200
Operating Expenditures	<u>390,900</u>
TOTAL	\$1,726,100

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

Approved April 28, 2021

CHAPTER 298
(S.B. No. 1194)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING REAPPROPRIATION AUTHORITY TO THE EXECUTIVE OFFICE OF THE GOVERNOR.

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

SECTION 1. There is hereby appropriated to the Division of Financial Management the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$1,778,400	\$207,500	\$1,985,900
Miscellaneous Revenue			
Fund	41,500	32,100	73,600
Administrative Code			
Fund	<u>389,200</u>	<u>180,500</u>	<u>569,700</u>
TOTAL	\$2,209,100	\$420,100	\$2,629,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Financial Management is authorized no more than nineteen (19.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, 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 Executive Office of the Governor any unexpended and unencumbered balances appropriated to the Executive Office of the Governor from the Federal COVID-19 Relief Fund for fiscal year 2021 to be used for nonrecurring expenditures for the period July 1, 2021, through June 30, 2022. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

Approved May 3, 2021

CHAPTER 299
(S.B. No. 1206)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2022; 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 Office of 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, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE LEGAL SERVICES:					
FROM:					
General					
Fund	\$21,599,700	\$830,000	\$4,600		\$22,434,300
Miscellaneous Revenue					
Fund	295,100	28,300			323,400
Consumer Protection					
Fund	264,400	153,000			417,400
Idaho Millennium Income					
Fund	105,200	1,100			106,300
Federal Grant					
Fund	<u>738,700</u>	<u>196,200</u>	<u>0</u>		<u>934,900</u>
TOTAL	\$23,003,100	\$1,208,600	\$4,600		\$24,216,300
II. INTERNET CRIMES AGAINST CHILDREN:					
FROM:					
General					
Fund	\$936,600	\$238,900	\$129,900	\$896,200	\$2,201,600
Federal Grant					
Fund	<u>126,200</u>	<u>153,000</u>	<u>0</u>	<u>0</u>	<u>279,200</u>
TOTAL	\$1,062,800	\$391,900	\$129,900	\$896,200	\$2,480,800
III. SPECIAL LITIGATION:					
FROM:					
General					
Fund		\$890,700			\$890,700
GRAND TOTAL	\$24,065,900	\$2,491,200	\$134,500	\$896,200	\$27,587,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the Attorney General is authorized no more than two hundred twenty (220.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, 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 Office of 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, 2021, through June 30, 2022. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved May 3, 2021

CHAPTER 300
(S.B. No. 1207)

AN ACT

RELATING TO THE APPROPRIATION TO THE LEGISLATIVE BRANCH FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATIVE SERVICES OFFICE FOR FISCAL YEAR 2022; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AND APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATURE FOR FISCAL YEAR 2022.

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 Legislative Services Office the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2021, through June 30, 2022:

FOR:

Personnel Costs	\$69,500
Operating Expenditures	<u>500</u>
TOTAL	\$70,000

SECTION 2. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Legislative Services Office is hereby increased by one (1.00) for the period July 1, 2021, through June 30, 2022.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Legislature \$250,000 from the General Fund to be expended for trustee and benefit payments for the period July 1, 2021, through June 30, 2022, for the purpose of a pilot program to study federal land values.

Approved May 3, 2021

CHAPTER 301
(S.B. No. 1208)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE CONTROLLER; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2021; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 180, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Controller for the Administration Program \$51,774,300 from the American Rescue Plan Fund to be expended for trustee and benefit payments for the period July 1, 2020, through June 30, 2021, to be distributed to units of local government in Idaho with populations under fifty thousand (50,000) pursuant to the American Rescue Plan Act of 2021.

SECTION 2. REAPPROPRIATION. There is hereby reappropriated to the Office of the State Controller any unexpended and unencumbered balances appropriated to the Office of the State Controller from the American Rescue Plan Fund for fiscal year 2021 to be used for nonrecurring expenditures for the period July 1, 2021, through June 30, 2022. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

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

Approved May 3, 2021

CHAPTER 302
(S.B. No. 1046, As Amended, As Amended)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1636, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING INNOVATION CLASSROOMS.

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

SECTION 1. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1636, Idaho Code, and to read as follows:

33-1636. INNOVATION CLASSROOMS. (1) For purposes of this section:
(a) "Alternative curriculum" means a curriculum in one (1) or more subject areas that is different than the curriculum in such area or areas offered by a school district. An alternative curriculum may encompass one (1) or more subject areas but must include, at a minimum, an alternative curriculum in mathematics, history, English language arts, or science.

(b) "Innovation classroom" means a classroom in which an alternative curriculum is offered.

(c) "Requesting party" means a person or group of persons that requests an innovation classroom agreement from a school district. Such person or group must include:

- (i) A certified teacher or teachers in a school district; or
- (ii) A parent or parents whose child or children attend school in a school district.

(2) A school district may enter into an innovation classroom agreement with a requesting party if the requesting party represents a group of students that is equal to or greater than the average class size in the school. The school district must indicate willingness or nonwillingness to enter into negotiation within sixty (60) days of the receipt of the request.

(3) An innovation classroom agreement must include:

(a) The name of any teacher or other certificated staff member who will be working in the innovation classroom. Any such teacher must be agreed upon by the school district and the parents of the students who will be receiving instruction in the innovation classroom;

(b) The names of the students participating in the innovation classroom;

(c) A description of how and where the innovation classroom's instruction will take place and whether instruction will include in-person, hybrid, or virtual components. If requested, the school district must provide a classroom for the innovation classroom;

(d) Growth criteria or other measures of student learning, such as those found in section 33-1001(18), Idaho Code;

(e) The alternative curriculum and instructional materials to be used in the innovation classroom. The parents of the participating students must agree to the alternative curriculum, and the school district will determine whether the alternative curriculum meets state standards and recommend ways to supplement the alternative curriculum, if applicable;

(f) A description of an innovation classroom student's access to or use of the school district's transportation, playground, cafeteria, after-school activities, special education, and other services or facilities; and

(g) The date upon which the innovation classroom will start.

(4) Students in an innovation classroom may use transportation services offered by the school district if the schedule of the innovation classroom is consistent with the school district's schedule or if the parties provide for transportation services in the innovation classroom agreement.

(5) For purposes of compensation, any teacher or other certificated staff member working in an innovation classroom will be an employee of the school district and will be entitled to receive or participate in the public employee retirement system of Idaho, federal social security, unemployment insurance, worker's compensation, health insurance, and other benefits and compensation to the same extent as other employees in the school district.

(6) Students enrolled in an innovation classroom will be enrolled in the school district for the purpose of calculating educational support program funds apportioned to the school district. The school district must apportion funds for instructional use in an innovation classroom in an amount substantially similar to funds apportioned for instruction of students at the same grade level who do not participate in the innovation classroom.

(7) Students participating in an innovation classroom will not be included in the public school accountability results for the school district unless the school district so desires or such inclusion is required by applicable law or rule. The school district will not be responsible for services for participating students, except those services described in the innovation classroom agreement.

(8) Students in an innovation classroom must take any required state testing.

(9) Innovation classrooms must:

(a) Comply with the conditions or procedures established in the innovation classroom agreement; and

(b) Comply with applicable laws, including state, federal, and local laws prohibiting discrimination and laws governing safety, including but not limited to sections 33-122 and 33-130, Idaho Code.

Approved May 5, 2021

CHAPTER 303
(S.B. No. 1185)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; REQUIRING MONTHLY MEDICAID TRACKING REPORTS; ALLOWING FOR TRANSFER OF APPROPRIATIONS BETWEEN PROGRAMS; REQUIRING A REPORT ON MEDICAID MANAGED CARE IMPLEMENTATION; REQUIRING COST-SHARING FOR SERVICES; AND PROVIDING REQUIREMENTS FOR BUDGET INTEGRITY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Division of Medicaid the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MGMT:				
FROM:				
Cooperative Welfare (General)				
Fund	\$6,859,300	\$8,970,400	\$424,100	\$16,253,800
Cooperative Welfare (Dedicated)				
Fund		8,883,800		8,883,800
Idaho Millennium Income				
Fund	98,200	142,300		240,500
Cooperative Welfare (Federal)				
Fund	<u>10,690,200</u>	<u>41,377,400</u>	<u>1,503,100</u>	<u>53,570,700</u>
TOTAL	\$17,647,700	\$59,373,900	\$1,927,200	\$78,948,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. COORDINATED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$199,209,300	\$199,209,300
Hospital Assessment				
Fund			22,263,000	22,263,000
Cooperative Welfare (Dedicated)				
Fund			10,226,500	10,226,500
Cooperative Welfare (Federal)				
Fund			<u>475,906,600</u>	<u>475,906,600</u>
TOTAL			\$707,605,400	\$707,605,400
III. ENHANCED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$273,732,700	\$273,732,700
Hospital Assessment				
Fund			2,363,500	2,363,500
Cooperative Welfare (Dedicated)				
Fund			210,292,500	210,292,500
Idaho Millennium Income				
Fund			1,886,100	1,886,100
Cooperative Welfare (Federal)				
Fund			<u>783,114,200</u>	<u>783,114,200</u>
TOTAL			\$1,271,389,000	\$1,271,389,000
IV. BASIC MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$232,678,100	\$232,678,100
Hospital Assessment				
Fund			11,454,500	11,454,500
Cooperative Welfare (Dedicated)				
Fund			16,507,500	16,507,500
Cooperative Welfare (Federal)				
Fund			<u>568,203,800</u>	<u>568,203,800</u>
TOTAL			\$828,843,900	\$828,843,900

	FOR	FOR	FOR	
	PERSONNEL	OPERATING	TRUSTEE AND	
	COSTS	EXPENDITURES	BENEFIT	TOTAL
			PAYMENTS	
V. EXPANSION MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$47,854,600	\$47,854,600
Cooperative Welfare (Dedicated)				
Fund			120,918,100	120,918,100
Idaho Millennium Income				
Fund			13,451,900	13,451,900
Cooperative Welfare (Federal)				
Fund			<u>664,352,700</u>	<u>664,352,700</u>
TOTAL			\$846,577,300	\$846,577,300
GRAND TOTAL	\$17,647,700	\$59,373,900	\$3,656,342,800	\$3,733,364,400

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 thirteen (213.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, 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 Office of 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 2022.

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 Division of Medicaid and Division of Indirect Support Services shall deliver a report that compares the Medicaid appropriation, distributed by month for the year, to the actual expenditures and remaining forecasted expenditures for the year on a monthly basis to the Legislative Services Office and the Division of Financial Management. The report shall also include a forecast, updated monthly, of the next fiscal year's anticipated trustee and benefit expenditures. The format of the report and the information included therein shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 7. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the trustee and benefit payments expense class in the Division of Medicaid may be transferred in excess of ten percent (10%) among the Coordinated Medicaid Plan, Enhanced Medicaid Plan, Basic Medicaid Plan, Expansion Medicaid Plan, and the Medicaid Administration and Medical Management Programs, but shall not be transferred to any other budgeted program or expense class within the Department of Health and Welfare during fiscal year 2022.

SECTION 8. MEDICAID MANAGED CARE IMPLEMENTATION. The Division of Medicaid shall provide a report to the Legislative Services Office and the Division of Financial Management on progress in integrating managed care approaches into the state Medicaid system. The format of the report and information contained therein shall be determined by the Legislative Services Office and the Division of Financial Management. The report shall be submitted no later than December 1, 2021.

SECTION 9. 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.

SECTION 10. BUDGET INTEGRITY. Notwithstanding any other provision of law to the contrary, and consistent with its cost containment strategy, the Department of Health and Welfare's Division of Medicaid shall submit its budget request in accordance with applicable Idaho law as of the date of submission. This section does not prohibit the agency from making requests of the Legislature that would impact any portion of the department's budget. However, any proposed changes to Idaho Code with an anticipated budgetary impact shall be identified in narrative form only, without numerical entries. Further, the department shall submit its budget request based on the forecasted amount for the most recent month available from the report identified in Section 6 of this act and for the estimated needs of maintaining operations of the division.

Approved May 5, 2021

CHAPTER 304

(S.B. No. 1200, As Amended in the House)

AN ACT

RELATING TO THE IDAHO WRONGFUL CONVICTION ACT; AMENDING SECTION 6-3503, IDAHO CODE, AS ADDED IN SECTION 1 OF SENATE BILL NO. 1027, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING COMPENSATION RELATED TO A WRONGFUL CONVICTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 6-3503, Idaho Code, as added in Section 1 of Senate Bill No. 1027, as enacted by the First Regular Session of the Sixty-sixth Idaho Legislature, be, and the same is hereby amended to read as follows:

6-3503. COMPENSATION. (1) In an action brought pursuant to section 6-3502, Idaho Code, damages awarded shall be:

(a) (i) Sixty-two thousand dollars (\$62,000) for each year of imprisonment actually served, including time spent awaiting trial; or

(ii) If the claimant was imprisoned on death row, sSeventy-five thousand dollars (\$75,000) for each year of imprisonment if the claimant was imprisoned on death row actually served related to the charge giving rise to death row imprisonment, including time spent awaiting trial; and

(b) No less than twenty-five thousand dollars (\$25,000) for each year the person was on parole or no less than twenty-five thousand dollars (\$25,000) for each year the person was required to register as a sex offender, whichever period of time was greater.

(2) Compensation awarded under subsection (1) of this section shall be computed on a pro rata basis, with damages computed according to the number of days the claimant spent awaiting trial and was imprisoned, on parole, or required to register as a sex offender due to the conviction that is the subject of the action. For purposes of the pro rata calculation, three hundred sixty-five (365) days equals one (1) year. The burden is on the claimant to establish the number of days he was imprisoned, on parole, or required to register as a sex offender.

(3) The claimant must establish the damages he is seeking under subsections (1), (2), and (4) of this section and the basis for those damages. Awards shall be paid from the innocence fund created pursuant to section 6-3505, Idaho Code. Any award of damages shall not accrue post-judgment interest, and the provisions of section 28-22-104, Idaho Code, shall not apply to such damages. A court shall not award, and a claimant shall not receive, compensation for any period of imprisonment during which the claimant was serving a sentence for a conviction of another offense for which the claimant was lawfully convicted and imprisoned. The claimant shall not receive compensation for any period of time that he was on parole or required to register as a sex offender during which the claimant was paroled or required to register as a sex offender for another offense for which the claimant was lawfully convicted.

(4) In addition to the damages awarded pursuant to subsection (1) of this section, the claimant may be entitled to the following:

(a) Reasonable attorney's fees and costs incurred in the action brought pursuant to this chapter not to exceed a total of twenty-five thousand dollars (\$25,000), unless a greater reasonable total is authorized by the court upon a finding of good cause shown; and

(b) Reentry services offered through the department of correction, as applicable.

(5) If a claimant in a separate civil action related to the wrongful conviction has won a monetary judgment against, or entered into a settlement agreement with, the state or any political subdivision, the amount of any such award or settlement collected by the claimant, less attorney's fees and litigation costs, shall be deducted from the sum of money to which the claimant is entitled to under this section. If a claimant first receives compensation under this section and then in a separate civil action wins a monetary judgment against, or enters into a settlement agreement with, the state or any political subdivision related to the wrongful conviction, the claimant shall reimburse the state. The reimbursement shall be for the sum of the monetary payment awarded under this section, less attorney's fees and litigation costs, up to the amount of the award or settlement in the civil action. If a claimant first receives compensation under this section and then in a separate civil action related to the wrongful conviction wins a monetary judgment against, or enters into a settlement agreement with, the state or any political subdivision, the claimant shall notify and reimburse the state of such compensation.

(6) Any damages awarded pursuant to subsection (1) of this section shall be tax-exempt in the state of Idaho.

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 May 5, 2021

CHAPTER 305
(S.B. No. 1202)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS REGARDING ANNUAL REPORTING OF PAYMENTS TO THE IDAHO STATE BUILDING AUTHORITY; PROVIDING REPORTING REQUIREMENTS REGARDING THE CAREER LADDER; PROVIDING REPORTING REQUIREMENTS REGARDING LITERACY INTERVENTION PROGRAMS; PROVIDING REPORTING REQUIREMENTS REGARDING DUAL CREDIT; AND DIRECTING THE USE OF FEDERAL FUNDS.

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, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OSBE ADMINISTRATION:					
FROM:					
General					
Fund	\$3,146,100	\$2,062,000	\$1,900		\$5,210,000
Indirect Cost Recovery					
Fund	33,400	83,900			117,300
Public Charter School Authorizers					
Fund		1,100			1,100
Miscellaneous Revenue					
Fund	154,100	132,300	6,125,000	\$50,000	6,461,400
Federal COVID-19 Relief					
Fund				8,284,000	8,284,000
Federal Grant					
Fund	<u>201,100</u>	<u>6,281,500</u>	<u>0</u>	<u>0</u>	<u>6,482,600</u>
TOTAL	\$3,534,700	\$8,560,800	\$6,126,900	\$8,334,000	\$26,556,400
II. IT AND DATA MANAGEMENT:					
FROM:					
General					
Fund	\$1,911,300	\$965,100			\$2,876,400
Public Instruction					
Fund	<u>0</u>	<u>15,000</u>			<u>15,000</u>
TOTAL	\$1,911,300	\$980,100			\$2,891,400
III. OFFICE OF SCHOOL SAFETY AND SECURITY:					
FROM:					
General					
Fund	\$269,300	\$227,200			\$496,500
Miscellaneous Revenue/School Security Assessment					
Fund	250,700	53,500	\$25,500		329,700
Federal Grant					
Fund	<u>209,800</u>	<u>40,900</u>	<u>0</u>		<u>250,700</u>
TOTAL	\$729,800	\$321,600	\$25,500		\$1,076,900
GRAND TOTAL	\$6,175,800	\$9,862,500	\$6,152,400	\$8,334,000	\$30,524,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Board of Education is authorized no more than fifty-six and twenty-five hundredths (56.25) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. 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 4. CAREER LADDER EVALUATION. The Career Ladder shall have an independent, external evaluation that updates data and includes an analysis of the ladder's impact on teacher recruitment and retention; teacher evaluations and performance criteria; state funding allocation and actual compensation for teachers; geographical regions, including urban, suburban, and rural schools; and the utilization of local dollars, including at a minimum supplemental levies. The entity selected for the independent evaluation shall be selected with a competitive bidding process. The results of the evaluation shall be reported to the Joint Finance-Appropriations Committee and the Senate and House education committees no later than December 1, 2021, on the ladder's implementation, effectiveness, use of funds, and any other relevant matters.

SECTION 5. LITERACY INTERVENTION PROGRAMS EVALUATION. The literacy intervention program(s) shall continue its independent, external evaluation that includes an analysis of key performance indicators of student achievement. The results of the updated evaluation shall be reported to the Joint Finance-Appropriations Committee and the Senate and House education committees no later than December 1, 2021, on the program design; use of funds, including the funding amounts and local education agencies that have utilized all-day kindergarten; program effectiveness; and any other relevant matters.

SECTION 6. DUAL CREDIT EVALUATION. The dual credit program shall have an independent, external evaluation that updates data and includes analysis of dual credit utilization and key performance indicators of student achievement. The entity selected for the independent evaluation shall be selected with a competitive bidding process. The results of the evaluation shall be reported to the Joint Finance-Appropriations Committee and the Senate and House education committees no later than December 1, 2021, on the utilization of dual credit through Advanced Opportunities, use of funds, student achievement, and any other relevant matters.

SECTION 7. USE OF FEDERAL FUNDS. Moneys appropriated in Section 1 of this act for the Preschool Development Grant Birth through Five (PDG B-5) Renewal shall not be used to dictate curricula for use by local collaboratives. Local collaborative stakeholder participation shall include: parents/families, early childhood educators, a representative from the State Board of Education, at least one (1) representative from the local K-12 school district and/or charter school, and at least three (3) community participants from a mix of public, private, nonprofit, faith-based, government, health care, and civic organizations. Local collaboratives shall be financially self-sufficient, relying on local funding sources after the activities of the PDG B-5 Renewal are completed. The State Board of Education shall oversee the grant and sub-grantees to ensure the activities, projects, objectives, and outcomes are met and that federal requirements, reports, and deadlines outlined in the grant award are satisfied.

CHAPTER 306
(S.B. No. 1203)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE INNOCENCE FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$3,768,000 from the General Fund to the Innocence Fund as soon as practicable for the period July 1, 2020, through June 30, 2021.

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 May 5, 2021

CHAPTER 307
(S.B. No. 1211)

AN ACT

RELATING TO WOLVES; AMENDING SECTION 22-5304, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DUTIES OF THE IDAHO WOLF DEPREDAATION CONTROL BOARD; AMENDING SECTION 22-5306, IDAHO CODE, TO REVISE PROVISIONS REGARDING WOLF CONTROL ASSESSMENTS AND THE TRANSFER OF CERTAIN FUNDS; AMENDING SECTION 36-201, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAKING OF WOLVES, TO PROVIDE FOR HUNTING AND TRAPPING SEASONS, AND TO REVISE PROVISIONS REGARDING COLLARING OF WOLVES; AMENDING SECTION 36-408, IDAHO CODE, TO REVISE PROVISIONS REGARDING WOLF TAGS AND TO CLARIFY THAT APPROPRIATE EDUCATION REQUIREMENTS MUST BE MET; AND AMENDING SECTION 36-1107, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CONTROL OF DEPREDAATION OF WOLVES ON LIVESTOCK AND DOMESTIC ANIMALS AND TO PROVIDE FOR THE CONTROL OF DEPREDAATION OF WOLVES ON WILDLIFE POPULATIONS.

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

SECTION 1. That Section 22-5304, Idaho Code, be, and the same is hereby amended to read as follows:

22-5304. POWERS AND DUTIES. (1) It is hereby made the duty of the board to administer the wolf control fund including setting the procedures and standards for payment from the fund. In carrying out these duties, the board may cooperate with federal, state, county, city and private agencies, organizations and individuals.

(2) The board has the authority to enter into agreements, including contracts, memoranda of understanding or memoranda of agreement with any federal agency, state agency, private contractor, political subdivision of the state of Idaho, or agency of another state in order to implement the provisions of this act.

(3) The control of wolves under this chapter does not include the payment of compensation for damages. Control activities funded by the board shall be consistent with the provisions of section 36-1107(c) and (d), Idaho Code.

(4) The board may contract with the director of the Idaho state department of agriculture (ISDA) for legal and fiscal services as required under this act.

SECTION 2. That Section 22-5306, Idaho Code, be, and the same is hereby amended to read as follows:

22-5306. WOLF CONTROL ASSESSMENTS -- USE OF FUNDS -- FISH AND GAME FUND TRANSFER. In order to carry out the provisions of this chapter, the following shall occur:

(1) Wolf control assessments collected from the livestock industry, by and through the state brand inspector and the Idaho sheep and goat health board, shall be combined for purposes of deposit into the livestock subaccount of the wolf control fund and, beginning in fiscal year 2015, shall total one hundred ten thousand dollars (\$110,000) annually for each fiscal year.

(a) The state brand inspector shall assess, levy and collect, as set forth in section 25-1145, Idaho Code, wolf control assessments in an amount sufficient to fund, in combination with Idaho sheep and goat health board assessments, the livestock subaccount of the wolf control fund as provided in subsection (1) of this section.

(b) The Idaho sheep and goat health board shall assess, levy and collect, as set forth in section 25-131, Idaho Code, wolf control assessments in an amount sufficient to fund, in combination with state brand inspector assessments, the livestock subaccount of the wolf control fund as provided in subsection (1) of this section.

(2) The wolf depredation control board shall use all funds in the wolf control fund, with the exception of moneys transferred from the fish and game fund as provided for in subsections (3), (4) and (5) of this section unless so directed by the fish and game commission pursuant to subsection (3) of this section, for all activities associated with legal lethal means of control and for the purposes of sections 22-5302 and 22-5304(4), Idaho Code.

(3) Beginning in fiscal year 2015~~22~~, the state controller shall annually, as soon after July 1 of each year as practical, transfer ~~one~~ three hundred ~~ten~~ thousand dollars (~~\$113~~300,000) from the fish and game fund to the fish and game fund transfer subaccount of the wolf control fund. The fish and game commission, on or before July 1 of each year, is authorized to direct the wolf depredation control board as to the use of such funds and the wolf depredation control board shall comply with the direction of the commission.

~~(4) Between the effective date of this act and fiscal year 2015, the assessment and transfer amount requirements of this section shall not be required. In lieu thereof, wolf control assessments collected by the state brand inspector and the Idaho sheep and goat health board for deposit into the livestock subaccount of the wolf control fund shall be matched by an amount to be transferred from the fish and game fund to the fish and game fund transfer subaccount of the wolf control fund, but i~~In no event shall either the wolf control assessments deposited into the livestock subaccount or moneys from the fish and game fund transferred into the fish and game transfer subaccount exceed one hundred ten thousand dollars (\$110,000).

(5) Notwithstanding any other provision of this chapter, in the event the total wolf control assessments collected from the livestock industry in any fiscal year are less than one hundred ten thousand dollars (\$110,000), and available moneys in the secondary fund are insufficient to bring the total to one hundred ten thousand dollars (\$110,000), the livestock industry shall only be required to deposit the moneys so collected and available

from the secondary fund into the livestock subaccount of the wolf control fund, and the state controller shall transfer ~~a matching~~ the full amount transferred from the fish and game fund to the fish and game fund transfer subaccount of the wolf control fund.

SECTION 3. That Section 36-201, Idaho Code, be, and the same is hereby amended to read as follows:

36-201. FISH AND GAME COMMISSION AUTHORIZED TO CLASSIFY WILDLIFE. (1) With the exception of predatory animals, the Idaho fish and game commission is hereby authorized to define by classification or reclassification all wildlife in the state of Idaho. Such definitions and classifications shall include:

- (a) Game animals
- (b) Game birds
- (c) Game fish
- (d) Fur-bearing animals
- (e) Migratory birds
- (f) Threatened or endangered wildlife
- (g) Protected nongame species
- (h) Unprotected wildlife

Predatory wildlife shall include:

1. Coyote
2. Jackrabbit
3. Skunk
4. Weasel
5. Starling
6. Raccoon

(2) Notwithstanding the classification assigned to wolves, all methods of take including, but not limited to, all methods utilized by the United States fish and wildlife service and the United States department of agriculture wildlife services, shall be authorized for the management of wolves in accordance with existing laws or approved management plans. In addition, any method utilized for the take of any wild canine in Idaho shall be available for the taking of wolves.

(3) Wolf trapping season shall be open year-round on all private property, as long as individuals are in compliance with the permission requirements contained in section 36-1603, Idaho Code, before entering private property. It is the expectation of the legislature that wolf collaring will be ~~continued~~ used as one of the proactive management tools for packs that are predisposed to depredation on domestic livestock and for assisting with population counts.

SECTION 4. 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. All Idaho wolf tags will be valid for hunting, trapping, and snaring in any unit when seasons are open at the time of take. There shall be no limit to the number of wolf tags that an individual can purchase. All appropriate fish and game education requirements must be met.

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

(3) Outfitted Hunter Tags Set-Aside. When the commission establishes a limit as to the number of nonresident deer tags and nonresident elk tags, it shall set aside, when setting big game seasons, in a statewide pool, a maximum of twenty-five percent (25%) of the nonresident deer tag and nonresident elk tag limit. These tags may be allocated to the outfitted hunters in capped hunts and controlled hunts and set aside for outfitted hunter use in general hunts.

Such outfitted allocated set-aside tags shall be separate from the tag numbers set for residents and nonresidents in each capped or controlled hunt, unit, or game management area. The set-aside tags shall be sold pursuant to commission rule, only to persons that have entered into a signed agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

In order for a person to purchase any set-aside nonresident deer tag or nonresident elk tag, that person's outfitter must submit an application with the proper fees as required by the director. If any nonresident deer tags or nonresident elk tags set aside for use in general hunts pursuant to this subsection are unsold by July 15 of the year in which they were set aside, they may be sold by the department to the general public pursuant to commission rule. If any nonresident deer tags or nonresident elk tags set aside as general capped allocated tags pursuant to this subsection are unsold by July 31 of the year in which they were set aside, they may be sold by the department to the general public pursuant to commission rule.

The commission may promulgate all necessary rules to implement the provisions of this subsection.

(4) Deer and Elk Tag Allocation. When setting big game seasons, if the commission limits the number of deer or elk tags available for use in any game management area, unit, or zone, the commission may allocate by rule, where there are outfitted operations, a number of deer and elk tags from the outfitted hunter set-aside pool of tags for use by hunters that have entered into a signed agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

In addition to rules promulgated by the commission regarding allocation, or pursuant to this section, in capped hunts the commission may allocate the number of outfitted hunter elk and deer tags based on the highest number within each of the last two (2) years of all elk or deer tags using the services of an outfitter in each capped hunt. Any additional tags above the original outfitted hunter tag quota may come from the nonresident outfitted hunter set-aside pool or the nonresident quota in the capped hunt, not to exceed fifty percent (50%) of the nonresident quota for each capped hunt. In capped hunts, when tag numbers change for all users, they will apply proportionally to all user groups.

In controlled hunts, the commission may allocate the number of outfitted hunter elk or deer tags based on a number compiled from each outfitter's highest year within the last two (2) years of all elk or deer tags using the services of an outfitter for each controlled hunt. Any additional tags above the original outfitted hunter tag quota may come from the nonresident outfitted hunter set-aside pool or the nonresident quota in the controlled hunt, not to exceed fifty percent (50%) of the nonresident quota for each controlled hunt.

Outfitted hunter tag use history will be provided through records from the sale of outfitted hunter tags compiled by the Idaho department of fish and game and verified use other than allocated tags recorded with the department by December 20 by outfitters. The department shall distribute the allocated outfitted tags through its point-of-sale machines.

Beginning December 1, 2020, all outfitted deer and elk tag use shall be verified in order to qualify for allocated outfitted hunter tag use history. Verification consists of the purchase of allocated tags from the Idaho department of fish and game or the use of an outfitter-provided agreement, including the tag number that is recorded with the department.

All big game tags used in allocated outfitted hunts must be recorded by outfitters with the department by December 20 each year. An administrative fee of five dollars (\$5.00) shall be assessed for each allocated outfitted big game tag sold or exchanged at a point-of-sale machine. An administrative fee of twenty dollars (\$20.00) shall be assessed for each big game tag submitted for verification as being outfitted.

The allocated tags shall be designated by the Idaho outfitters and guides licensing board to those authorized outfitting operations licensed for elk and deer hunting for the use by the outfitted hunter, pursuant to section 36-2107(i), Idaho Code.

Those tags not qualified for allocated tag use history include emergency depredation, landowner appreciation program hunts, or meat packing without an outfitted allocated deer or elk tag.

The commission may promulgate all necessary rules to implement the provisions of this subsection.

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

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

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

tery bighorn sheep tag shall be utilized by the department in solving problems between bighorn sheep and domestic sheep, solving problems between wildlife and domestic animals or improving relationships between sportsmen and private landowners.

(6) Issuance of Free Permit or Tag to Minor Children with Life-Threatening Medical Conditions. Notwithstanding any other provision of law, the commission may issue free big game permits or tags to minor children who have life-threatening medical conditions that have been certified eligible by a qualified organization. The commission may prescribe by rule the manner and conditions of issuing and using the permits or tags authorized under this subsection. For purposes of this subsection, a "qualified organization" means a nonprofit organization that is qualified under section 501(c)(3) of the Internal Revenue Code and that affords opportunities and experiences to minor children with life-threatening medical conditions.

(7) Issuance of Free Permit or Tag to Military Veterans with Disabilities. The commission may prescribe by rule the manner and conditions of using the permits or tags authorized under this subsection. Notwithstanding any other provision of law, the commission shall issue five (5) free big game permits or tags to disabled military veterans whose disability has been certified eligible by the Idaho division of veterans services. All veterans applying must be sponsored by a "qualified organization," which for purposes of this subsection means a governmental agency that assists veterans or a nonprofit organization that is qualified under section 501(c)(3), 501(c)(4) or 501(c)(19) of the Internal Revenue Code and that affords opportunities, experiences and assistance to disabled veterans. The Idaho division of veterans services shall screen all applicants to ensure only the most deserving disabled veterans shall be issued these permits or tags. A list of screened applicants shall be provided to the commission in priority order for issuance. The commission shall issue one (1) permit or tag each to the top two (2) candidates for a sponsored hunt as designated by the Idaho division of veterans services and the three (3) remaining permits or tags to candidates sponsored by a qualified organization as described in this subsection.

(8) Special Wolf Tags. The commission is hereby authorized to issue up to ten (10) special auction or lottery tags for hunting wolves. Special wolf tags will be auctioned off or made available through lottery by incorporated nonprofit organizations dedicated to wildlife conservation and selected by the director. No more than five percent (5%) of all proceeds for each tag may be retained by the nonprofit organization for administrative costs involved. Each wolf tag shall be issued by the department of fish and game and awarded to the highest eligible bidder or winner of a lottery. Each tag will be good for the harvest of one (1) wolf pursuant to commission rule. The proceeds from each tag will be sent to the director to be placed in the department general license fund.

(9) Special Big Game Auction Tags -- Governor's Wildlife Partnership Tags. The commission is hereby authorized to issue special big game auction tags hereafter named and referred to as "Governor's wildlife partnership tags" for hunting designated species on dates and in areas designated by the commission. To enhance and sustain the value of Idaho's wildlife, up to three (3) tags per species per year may be issued for deer, elk and pronghorn antelope, one (1) tag per year may be issued for moose, and one (1) tag per species per year may be issued for mountain goat and bighorn sheep. Each tag will be signed by the governor of Idaho prior to auction to the public and be available to either residents or nonresidents of Idaho. Governor's wildlife partnership tags issued for deer, elk, pronghorn antelope and moose pursuant to this subsection shall be taken from the nonresident controlled hunt programs for these species adopted by the fish and game commission. Governor's wildlife partnership tags issued for mountain goat and bighorn sheep shall be taken from the nonresident mountain goat and bighorn sheep quota. Governor's wildlife partnership tags shall be auctioned off by incorporated non-

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

SECTION 5. That Section 36-1107, Idaho Code, be, and the same is hereby amended to read as follows:

36-1107. WILD ANIMALS AND BIRDS DAMAGING PROPERTY. Other provisions of this title notwithstanding, any person may control, trap, and/or remove any wild animals or birds or may destroy the houses, dams, or other structures of furbearing animals for the purpose of protecting property from the depredations thereof as hereinafter provided.

The director may delegate any of the authority conferred by this section to any other employee of the department.

(a) Director to Authorize Removal of Wildlife Causing Damage. Except for antelope, elk, deer or moose when any other wildlife, protected by this title, is doing damage to or is destroying any property, including water rights, or is likely to do so, the owner or lessee thereof may make complaint and report the facts to the director or his designee who shall investigate the conditions complained of. In the case of water rights, the director shall request an investigation by the director of the department of water resources of the conditions complained of. The director of the department of water resources shall request a recommendation from the local water master, if any and, upon such examination, shall certify to the director of the department of fish and game whether said wildlife, or houses, dams or other structures erected by said wildlife, is injuring or otherwise adversely impacting water rights. If it appears that the complaint is well-founded and the property of such complainant is being or is likely to be damaged or destroyed by any such wildlife protected under this title, the director may:

1. Send a representative onto the premises to control, trap, and/or remove such protected wildlife as will stop the damage to said property. Any animals or birds so taken shall remain the property of the state and shall be turned over to the director.
2. Grant properly safeguarded permission to the complainant to control, trap and/or remove such protected wildlife or to destroy any houses, dams, or other structures erected by said animals or birds. Any protected wildlife so taken shall remain the property of the state and shall be turned over to the director.

3. Whenever deemed to be in the public interest, authorize or cause the removal, modification or destruction of any dam, house, structure or obstruction erected by any furbearing animals. The director shall have authority to enter upon all lands, both public and private, as necessary, to control, trap or remove such animals, or to so remove, modify or destroy such dam, house, structure or obstruction that is injuring or otherwise adversely impacting water rights, or to require the landowner to do so. The director shall make a reasonable effort to contact any private landowner to schedule a date and approximate time for the removal, modification or destruction. No liability whatever shall accrue to the department or the director by reason of any direct or indirect damage arising from such entry upon land, destruction, removal or modification.

4. Issue a permit to any bona fide owner or lessee of property that is being actually and materially damaged by furbearing animals, to trap or kill or to have trapped or killed such animals on his own or leased premises. Such permit may be issued without cost to a landholder applicant and shall designate therein the number of furbearing animals that may be trapped or killed, the name of the person who the landowner has designated to take such furbearers and the valid trapping license number of the taker. Furbearers so taken shall be the property of the taker. The term "premises" shall be construed to include any irrigation ditch or right-of-way appurtenant to the land for which said permit is issued.

(b) Control of Depredation of Black Bear, Mountain Lion, and Predators. Black bear, mountain lion, and predators may be disposed of by livestock owners, their employees, agents and animal damage control personnel when same are molesting or attacking livestock and it shall not be necessary to obtain any permit from the department. Mountain lion so taken shall be reported to the director within ten (10) days of being taken. Livestock owners may take steps they deem necessary to protect their livestock.

(c) Control of Depredation of Wolves on Livestock and Domestic Animals. Wolves may be disposed of by livestock or domestic animal owners, their employees, agents and animal damage control personnel when the same are molesting or attacking livestock or domestic animals and it shall not be necessary to obtain any permit from the department. Wolves so taken shall be reported to the director within ~~ten~~ thirty (30) days of being taken. ~~Wolves so taken shall remain the property of the state.~~ Livestock and domestic animal owners may take all ~~nonlethal~~ steps they deem necessary to protect their property. A permit must be obtained from the director to control wolves not molesting or attacking livestock or domestic animals. Wolves may be disposed of by any federal agency, state agency, private contractor, political subdivision of the state of Idaho, or agency of another state. The wolf depredation control board shall be authorized to renew such permits or transfer such permits to a different contracting party. Control is also permitted by owners, their employees and agents pursuant to the Idaho department of fish and game harvest rules. For the purposes of this subsection, "molesting" means the actions of a wolf that are annoying, disturbing or persecuting, especially with hostile intent or injurious effect, or chasing, driving, flushing, worrying, following after or on the trail of, or stalking or lying in wait for, livestock or domestic animals.

(d) Control of Depredation of Wolves on Wildlife Populations. Wolves may be disposed of by any federal agency, state agency, private contractor, political subdivision of the state of Idaho, or agency of another state when the population has exceeded the recovery goals of the Idaho wolf conservation and management plan in an effort to maintain a balance of all wildlife populations. Wolves so taken shall be reported to the director within thirty (30) days of being taken. A permit must be obtained from the director.

(e) Control of Depredation of Grizzly Bears. For purposes of this section, "grizzly bear" means any grizzly bear not protected by the federal endangered species act. Grizzly bears may be disposed of by livestock or domestic animal owners, their employees, agents and animal damage control personnel when the same are molesting or attacking livestock or domestic animals and it shall not be necessary to obtain any permit from the department. Grizzly bears so taken shall be reported to the director within seventy-two (72) hours, with additional reasonable time allowed if access to the site where taken is limited. Grizzly bears so taken shall remain the property of the state. Livestock and domestic animal owners may take all nonlethal steps they deem necessary to protect their property.

(ef) Taking of Muskrats in Irrigation Systems Authorized. Muskrats may be taken at any time in or along the banks of irrigation ditches, canals, reservoirs or dams, by the owners, their employees, or those in charge of said irrigation ditches or canals.

Approved May 5, 2021

CHAPTER 308
(S.B. No. 1173)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2022; 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; APPROPRIATING AND TRANSFERRING MONEYS FROM THE COOPERATIVE WELFARE FUND TO THE RURAL PHYSICIAN INCENTIVE FUND; DIRECTING THE USE OF MONEYS FOR PROJECT ECHO; AND ALLOCATING FUNDING FOR THE HOME VISITATION PROGRAM.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Public Health Services Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PHYSICAL HEALTH SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$1,988,900	\$926,900	\$2,829,600	\$5,745,400
Idaho Immunization Dedicated Vaccine				
Fund		18,970,000		18,970,000
Cancer Control				
Fund	60,400	205,000	82,600	348,000
Central Tumor Registry				
Fund		120,000		120,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Dedicated)				
Fund	2,219,700	4,662,700	9,936,200	16,818,600
Idaho Millennium Income				
Fund		2,706,700		2,706,700
Cooperative Welfare (Federal)				
Fund	<u>8,720,700</u>	<u>84,331,700</u>	<u>37,534,500</u>	<u>130,586,900</u>
TOTAL	\$12,989,700	\$111,923,000	\$50,382,900	\$175,295,600

II. EMERGENCY MEDICAL SERVICES:

FROM:

Cooperative Welfare (General)				
Fund	\$64,400	\$85,000		\$149,400
Emergency Medical Services				
Fund	1,687,100	1,400,200		3,087,300
Emergency Medical Services III				
Fund			\$1,700,000	1,700,000
TSE Registry				
Fund	105,200	327,000		432,200
Cooperative Welfare (Dedicated)				
Fund	701,900	551,400		1,253,300
Cooperative Welfare (Federal)				
Fund	<u>871,900</u>	<u>724,300</u>	<u>4,314,200</u>	<u>5,910,400</u>
TOTAL	\$3,430,500	\$3,087,900	\$6,014,200	\$12,532,600

III. LABORATORY SERVICES:

FROM:

Cooperative Welfare (General)				
Fund	\$1,923,100	\$354,700		\$2,277,800
Cooperative Welfare (Dedicated)				
Fund	411,000	279,300		690,300
Cooperative Welfare (Federal)				
Fund	<u>1,083,500</u>	<u>939,300</u>		<u>2,022,800</u>
TOTAL	\$3,417,600	\$1,573,300		\$4,990,900

IV. SUICIDE PREVENTION AND AWARENESS:

FROM:

Cooperative Welfare (General)				
Fund	\$297,900	\$820,500	\$644,600	\$1,763,000
Cooperative Welfare (Federal)				
Fund	<u>0</u>	<u>115,000</u>	<u>80,000</u>	<u>195,000</u>
TOTAL	\$297,900	\$935,500	\$724,600	\$1,958,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. HEALTH CARE POLICY INITIATIVES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$94,000	\$233,000	\$143,700	\$470,700
Cooperative Welfare (Dedicated)				
Fund	77,200	75,000		152,200
Cooperative Welfare (Federal)				
Fund	<u>92,900</u>	<u>33,000</u>	<u>356,300</u>	<u>482,200</u>
TOTAL	\$264,100	\$341,000	\$500,000	\$1,105,100
 GRAND TOTAL	 \$20,399,800	 \$117,860,700	 \$57,621,700	 \$195,882,200

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, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Physical Health Services	167.68
Emergency Medical Services	42.84
Laboratory Services	39.00
Suicide Prevention and Awareness	3.50
Health Care Policy Initiatives	2.00

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the Office of 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 2022.

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, 2021.

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 Office of the State Controller shall transfer \$640,000 from the Cooperative Welfare (General) Fund to the Rural Physician Incentive Fund on July 15, 2021, or as soon thereafter as practicable, for the Department of Health and Welfare for the period July 1, 2021, through June 30, 2022.

SECTION 8. PROJECT ECHO. Of the amount appropriated in Section 1 of this act from the Cooperative Welfare (General) Fund for the Health Care Policy Initiatives Program, \$200,000 shall be distributed to the Washington, Wyoming, Alaska, Montana, and Idaho (WWAMI) Medical Education Program for the continued implementation of Project ECHO.

SECTION 9. HOME VISITATION PROGRAM. Of the amount appropriated in Section 1 of this act from the Cooperative Welfare (General) Fund, \$1,000,000 shall be distributed to the public health districts for the purpose of the Home Visitation Program. These moneys shall not be considered general state aid pursuant to Section 39-425, Idaho Code, nor shall the moneys be allocated through a board of trustees formula pursuant to Section 39-411, Idaho Code. The allocation of these funds is based on how much each district is currently providing for comparable services from other fund sources in comparison to the other health districts. Further, the public health districts may reallocate these moneys between districts, but only upon unanimous concurrence of the Board of Directors for the public health districts. The moneys appropriated in Section 1 of this act shall be fully distributed to each public health district upon enactment of this legislation as follows:

Public Health District 1.....	\$195,800
Public Health District 2.....	\$159,100
Public Health District 3.....	\$205,000
Public Health District 4.....	\$106,500
Public Health District 5.....	\$132,100
Public Health District 6.....	\$105,400
Public Health District 7.....	\$96,100

Approved May 6, 2021

CHAPTER 309
(S.B. No. 1209)

AN ACT
RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2022.

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 Parks and Recreation for the Capital Development Program \$1,300,000 from the Federal COVID-19 Relief Fund to be expended for capital outlay for the period July 1, 2021, through June 30, 2022, for the purpose of various capital development projects.

Approved May 6, 2021

CHAPTER 310
(H.B. No. 284)

AN ACT

RELATING TO THE APPROPRIATION TO THE CATASTROPHIC HEALTH CARE PROGRAM FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE PROGRAM AND APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE CATASTROPHIC HEALTH CARE COST FUND.

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

SECTION 1. There is hereby appropriated and the Office of the State Controller shall transfer \$8,500,600 from the General Fund to the Catastrophic Health Care Cost Fund for the Catastrophic Health Care Program on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022.

Approved May 6, 2021

CHAPTER 311
(H.B. No. 345)

AN ACT

RELATING TO THE APPROPRIATION TO THE CATASTROPHIC HEALTH CARE PROGRAM FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE CATASTROPHIC HEALTH CARE PROGRAM FOR FISCAL YEAR 2021 AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE CATASTROPHIC HEALTH CARE COST FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 224, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated and the Office of the State Controller shall transfer \$5,999,900 from the General Fund to the Catastrophic Health Care Cost Fund for the Catastrophic Health Care Program for the period July 1, 2020, through June 30, 2021.

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 May 6, 2021

CHAPTER 312
(H.B. No. 353)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS; PROVIDING FOR EXPENDITURES TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2022; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2022; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR ADMINISTRATORS; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2021; AND DECLARING AN EMERGENCY.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program's Division of Administrators for the period July 1, 2021, through June 30, 2022:

FROM:

General Fund \$106,228,100

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2021, through June 30, 2022:

FROM:

General Fund \$106,228,100

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Administrators the following amount to be expended from the listed fund for the period July 1, 2021, through June 30, 2022:

FROM:

Public School Income Fund \$106,228,100

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

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

(1) To determine the apportionment for instructional staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member or pupil service staff member on the residency compensation rung shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(2) Effective July 1, 2022, no full-time instructional staff member or pupil service staff member on the professional or advanced professional compensation rung shall be paid less than the minimum dollar amount on the career ladder professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(3) Effective July 1, 2025, no full-time instructional staff member or pupil service staff member on the advanced professional compensation rung shall be paid less than the minimum dollar amount on the advanced professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(4) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board-certified instructional staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board-certified teachers as of July 1 of each year.

(5) To determine the apportionment for pupil service staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. If the district does not employ any pupil service staff, the district's pupil service staff average salary shall equal the district's instructional staff average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(6) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. The district administrative staff index shall be multiplied by the base salary of ~~thirty-eight thousand seventeen dollars (\$38,017)~~ thirty-eight thousand seven hundred seventy-seven dollars (\$38,777). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(7) To determine the apportionment for classified staff, multiply twenty-two thousand seven hundred sixty-one dollars (\$22,761) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(8) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (4), (5), (6) and (7) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 5. In addition to the appropriation made in Section 3, Chapter 298, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Administrators \$329,800 from the Federal COVID-19 Relief Fund for the period July 1, 2020, through June 30, 2021.

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 May 6, 2021

CHAPTER 313
(H.B. No. 356)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2022; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2022; PROVIDING REQUIREMENTS REGARDING THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TOBACCO, CIGARETTE, AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF APPROPRIATION FOR REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE DEPARTMENT OF EDUCATION TO COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; PROVIDING A TRANSFER TO THE COMMISSION ON HISPANIC AFFAIRS; PROVIDING A TRANSFER TO IDAHO STATE POLICE; DEFINING "DISTRIBUTED"; PROVIDING REQUIREMENTS FOR K-4 LEARNING LOSS; PROVIDING REQUIREMENTS FOR K-12 LEARNING LOSS; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2021; PROVIDING REQUIREMENTS FOR K-4 LEARNING LOSS FOR FISCAL YEAR 2021; PROVIDING REQUIREMENTS FOR K-12 LEARNING LOSS FOR FISCAL YEAR 2021; PROVIDING CLARIFICATION ON THE DISTRIBUTION OF LEARNING LOSS FUNDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program's Division of Children's Programs for the period July 1, 2021, through June 30, 2022:

FROM:

General Fund	\$88,810,300
Cigarette, Tobacco, and Lottery Income Taxes	4,024,900
Federal COVID-19 Relief Fund	215,144,500
Federal Grant Fund	<u>239,000,000</u>
TOTAL	\$546,979,700

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2021, through June 30, 2022:

FROM:

General Fund	\$88,810,300
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Children's Programs the following amounts to be expended from the listed funds for the period July 1, 2021, through June 30, 2022:

FROM:

Public School Income Fund	\$92,835,200
Federal COVID-19 Relief Fund	215,144,500
Federal Grant Fund	<u>239,000,000</u>
TOTAL	\$546,979,700

SECTION 4. IDAHO DIGITAL LEARNING ACADEMY. The Idaho Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall utilize state-appropriated funds for the period July 1, 2021, through June 30, 2022, to achieve the following:

- (1) Tuition charged by IDLA to Idaho school districts and charter schools shall not exceed \$75.00 per enrollment.
- (2) Provide remedial coursework for students failing to achieve proficiency in one (1) or more areas of Idaho's standards-based tests.
- (3) Pursuant to State Board of Education rule, IDAPA 08.02.03, provide advanced learning opportunities for students.
- (4) Pursuant to State Board of Education rule, IDAPA 08.02.03, work with institutions of higher education to provide dual credit coursework. The preceding list shall not be construed as excluding other instruction and training that may be provided by the Idaho Digital Learning Academy.

SECTION 5. TOBACCO, CIGARETTE, AND LOTTERY DISTRIBUTION. Notwithstanding the provisions of any law to the contrary, of the moneys appropriated in Section 3 of this act, up to \$4,024,900 from available tobacco, cigarette, and lottery income tax revenue funds accruing, appropriated, or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, and 63-3067, Idaho Code, for the period July 1, 2021, through June 30, 2022, shall be distributed to school districts and charter schools through a combination of a base amount of \$2,000 plus a prorated amount based on the prior year's average daily attendance. Such funds shall be used to develop and implement school safety improvements and/or to facilitate and provide substance abuse prevention programs in the public school system.

SECTION 6. REMEDIAL COURSEWORK. Of the moneys appropriated in Section 3 of this act, \$4,715,000 shall be distributed for remedial coursework for students failing to achieve proficiency on Idaho's standards-based achievement tests in dollar amounts determined by the Department of Education. The Department of Education shall report to the Joint Finance-Appropriations Committee and the Senate and House education committees by no later than January 15, 2022, on the uses of funds and effectiveness of the programs and efforts.

SECTION 7. ENGLISH PROFICIENCY. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 3 of this act, \$4,820,000 shall be distributed for support of students in English language learner programs, as follows:

(1) The Department of Education shall distribute \$4,370,000 to school districts and charter schools pro rata, based on the population of English language learners under criteria established by the department.

(2) The Department of Education shall distribute \$450,000 for a competitive grant program to assist school districts and charter schools in which English language learners are not reaching statewide accountability interim targets or long-term goals, as defined by federal law. This amount shall be distributed annually in three-year grant cycles, contingent on appropriation and the ability of grantees to meet program objectives.

(3) The Department of Education shall develop the program elements and objectives governing the use of these funds and include a program evaluation component.

The purpose of these funds is to improve student English language skills to allow for better access to the educational opportunities offered in public schools. The Department of Education shall report to the Joint Finance-Appropriations Committee and the Senate and House education committees by no later than January 15, 2022, on the program design, uses of funds, and program effectiveness.

SECTION 8. ADVANCED OPPORTUNITIES COURSES AND PROGRAM EVALUATION. The Department of Education shall compile information concerning the numbers of students enrolling in advanced opportunities courses according to the provisions of Chapter 46, Title 33, Idaho Code, whether coursework is successfully completed, and total expenditures for fiscal year 2022. As nearly as possible, the report shall contain information about enrollment of this student population in post-high school education. A report containing such information shall be posted on the website of the Department of Education no later than December 31, 2021.

SECTION 9. PUBLIC SCHOOL INCOME FUND TRANSFER TO COMMISSION ON HISPANIC AFFAIRS. There is hereby appropriated and the Office of the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2021, or as soon thereafter as practicable, \$80,000 from the Public School Income Fund to the Commission on Hispanic Affairs Miscellaneous Revenue Fund to be used for substance abuse prevention efforts in collaboration with the Department of Education.

SECTION 10. PUBLIC SCHOOL INCOME FUND TRANSFER TO IDAHO STATE POLICE. There is hereby appropriated and the Office of the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2021, or as soon thereafter as practicable, \$200,000 from the Public School Income Fund to the Idaho State Police Miscellaneous Revenue Fund for the purpose of increasing toxicology lab capacity in Forensic Services.

SECTION 11. DEFINITION. For the purposes of this act, "distributed" means moneys that are transferred to school districts, public charter schools, and the Idaho Digital Learning Academy, with no funds withheld for any other contract or administrative costs.

SECTION 12. COVID-19 K-4 LEARNING LOSS. Of the amount appropriated in Section 3 of this act from the Federal COVID-19 Relief Fund, up to \$15,000,000 shall be distributed for summer reading programs for students in grades K-4 with funding to be distributed based on the number of students that scored below basic on the most recent Idaho Reading Indicator (IRI) or comparable assessment. Moneys per student and associated formulas shall be determined by the Department of Education. Moneys subject to this section shall be allocated and distributed to school districts and public charter schools on behalf of students for remediation and credit recovery. Services may be delivered directly by school districts, public charter schools, or through any statewide or locally approved contracts. This funding shall be used for addressing credit recovery, learning loss, tutoring, or other comparable services and shall be made available to students during normal school hours or outside normal school hours and the school year. Each school district and public charter school shall identify the most effective methods to address any COVID-19 pandemic learning loss. School districts and public charter schools are encouraged to maximize these funds to provide the most services for students. The Department of Education shall work with the State Board of Education to address any concerns related to the use of these moneys. If moneys provided in this section are in excess of actual needs, any remaining moneys may be used to address the learning loss for students in reading and math for any other grade from K-12. The Department of Education shall report to the State Board of Education and the Joint Finance-Appropriations Committee by no later than September 15, 2021, and provide a second report no later than December 31, 2021, on the uses of funds and effectiveness of the programs and efforts.

SECTION 13. COVID-19 K-12 LEARNING LOSS. Of the amount appropriated in Section 3 of this act from the Federal COVID-19 Relief Fund, up to \$5,000,000 shall be distributed for any subject impacted by the COVID-19 pandemic in grades K-12 with funding to be distributed to school districts and public charter schools from formulas determined by the Department of Education. All formulas are to be based on the various assessment scores when possible. Moneys subject to this section shall be allocated and distributed to school districts and public charter schools on behalf of students for remediation and credit recovery. Services may be delivered directly by school districts or public charter schools or through any statewide or locally approved contracts. This funding shall be used for addressing credit recovery, learning loss, tutoring, or other comparable services and shall be made available to students during normal school hours or outside normal school hours and the school year. Each school district and public charter school shall identify the most effective methods to address any COVID-19 pandemic learning loss. School districts and public charter schools are encouraged to maximize these funds to provide the most services for students. The Department of Education shall work with the State Board of Education to address any concerns related to the use of these moneys. The Department of Education shall report to the State Board of Education and the Joint Finance-Appropriations Committee by no later than September 15, 2021, and provide a second report no later than December 31, 2021, on the uses of funds and effectiveness of the programs and efforts.

SECTION 14. In addition to the appropriation made in Section 3, Chapter 301, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Children's Programs \$114,091,200 from the Federal COVID-19 Relief Fund for the period July 1, 2020, through June 30, 2021.

SECTION 15. FISCAL YEAR 2021 COVID-19 K-4 LEARNING LOSS. Of the amount appropriated in Section 14 of this act from the Federal COVID-19 Relief Fund, \$5,000,000 shall be distributed for summer reading programs for students in grades K-4 with funding to be distributed based on the number of students that scored below basic on the most recent Idaho Reading Indicator (IRI) or comparable assessment. Moneys per student and associated formulas shall be determined by the Department of Education. Moneys subject to this section shall be allocated and distributed to school districts and public charter schools on behalf of students for remediation and credit recovery. Services may be delivered directly by school districts or public charter schools or through any statewide or locally approved contracts. This funding shall be used for addressing credit recovery, learning loss, tutoring, or other comparable services and shall be made available to students during normal school hours or outside normal school hours and the school year. Each school district and public charter school shall identify the most effective methods to address any COVID-19 pandemic learning loss. School districts and public charter schools are encouraged to maximize these funds to provide the most services for students. The Department of Education shall work with the State Board of Education to address any concerns related to the use of these moneys. If moneys provided in this section are in excess of actual needs, any remaining moneys may be used to address the learning loss for students in reading and math for any other grade from K-12.

SECTION 16. FISCAL YEAR 2021 COVID-19 K-12 LEARNING LOSS. Of the amount appropriated in Section 14 of this act from the Federal COVID-19 Relief Fund, \$5,000,000 shall be distributed for any subject impacted by the COVID-19 pandemic in grades K-12 with funding to be distributed to school districts and charter schools from formulas determined by the Department of Education. All formulas are to be based on the various assessment scores when possible. Moneys subject to this section shall be allocated and distributed to school districts and public charter schools on behalf of students for remediation and credit recovery. Services may be delivered directly by school districts or public charter schools or through any statewide or locally approved contracts. This funding shall be used for addressing credit recovery, learning loss, tutoring, or other comparable services and shall be made available to students during normal school hours or outside normal school hours and the school year. Each school district and public charter school shall identify the most effective methods to address any COVID-19 pandemic learning loss. School districts and public charter schools are encouraged to maximize these funds to provide the most services for students. The Department of Education shall work with the State Board of Education to address any concerns related to the use of these moneys.

SECTION 17. LEARNING LOSS FUNDING DISTRIBUTION. Of the moneys appropriated in Sections 3 and 14 of this act from the Federal COVID-19 Relief Fund, and for directed uses in Sections 12, 13, 15, and 16 of this act, no more than \$20,000,000 in total shall be distributed to school districts and charter schools in fiscal year 2021 and fiscal year 2022.

SECTION 18. An emergency existing therefor, which emergency is hereby declared to exist, Sections 14, 15, 16, and 17 of this act shall be in full force and effect on and after passage and approval.

Approved May 6, 2021

CHAPTER 314
(H.B. No. 358)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2022; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2022; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2022; DIRECTING THE USE OF MONEYS FOR LITERACY PROGRAMS, INTERVENTION SERVICES, MATH INITIATIVE PROGRAMS, AND LIMITED-ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF MONEYS FOR STUDENT ASSESSMENTS; DIRECTING THE USE OF MONEYS FOR PROFESSIONAL DEVELOPMENT; PROVIDING REQUIREMENTS FOR DIGITAL CONTENT AND CURRICULUM; PROVIDING GUIDANCE ON YEAR-END RECONCILIATION; PROVIDING REQUIREMENTS FOR TECHNOLOGY CONTENT AND CURRICULUM; DEFINING "DISTRIBUTED" AND "EXPENDED"; AND REQUIRING AN ACQUISITIONS REPORT.

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program's Division of Central Services for the period July 1, 2021, through June 30, 2022:

FROM:

General Fund	\$11,817,600
Federal COVID-19 Relief Fund	<u>1,850,000</u>
TOTAL	\$13,667,600

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2021, through June 30, 2022:

FROM:

General Fund	\$11,817,600
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Central Services the following amounts to be expended for operating expenditures from the listed funds for the period July 1, 2021, through June 30, 2022:

FROM:

Public School Income Fund	\$11,817,600
Federal COVID-19 Relief Fund	<u>1,850,000</u>
TOTAL	\$13,667,600

SECTION 4. PROGRAM SUPPORT. Of the moneys appropriated in Section 3 of this act, up to \$2,259,100 from the Public School Income Fund shall be expended for the support of literacy programs, intervention services for non-Title I schools that fail to achieve proficiency on Idaho's standards-based achievement tests, math initiative programs and regional math labs, and evaluation of the programs for students with non-English or limited-English proficiency. The Department of Education shall report to the

Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee by January 15, 2022, on the uses of funds and effectiveness of the programs and efforts.

SECTION 5. STUDENT ASSESSMENTS. Of the moneys appropriated in Section 3 of this act, the Department of Education may expend up to \$2,258,500 for the development or administration of student assessments, including a college entrance exam for grade 11 students, an exam for grade 10 students that provides preparation for the college entrance exam, and end-of-course exams for high school science subjects.

SECTION 6. PROFESSIONAL DEVELOPMENT. Of the moneys appropriated in Section 3 of this act, the Department of Education may expend up to \$2,700,000 for professional development, teacher training, and to track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 7. CONTENT AND CURRICULUM -- DIGITAL CONTENT. Of the moneys appropriated in Section 3 of this act, \$1,200,000 shall be expended for the purchase of content and curriculum for adaptive math instruction, and \$3,250,000, with \$2,250,000 from the Public School Income Fund and \$1,000,000 from the Federal COVID-19 Relief Fund, shall be expended for research-based programs to assist with the instruction of students with non-English or limited-English proficiency and for learning loss.

SECTION 8. YEAR-END RECONCILIATION. If the funds appropriated and transferred to the Public School Income Fund and the funds appropriated from the General Fund in Section 1 of this act exceed the actual expenditures for the specified purposes, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any other provision of law to the contrary. If the funding amounts specified in Section 5 of this act are insufficient to meet the actual expenditures, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any other provision of law to the contrary.

SECTION 9. CONTENT AND CURRICULUM -- TECHNOLOGY. Of the funds appropriated in Section 3 of this act, an amount not to exceed \$1,300,000, with \$1,000,000 from the Public School Income Fund and \$300,000 from the Federal COVID-19 Relief Fund, may be expended by the Department of Education to contract for services that provide technology education opportunities and/or information technology certifications to students, including faculty, that prepare students for college, career, or the workplace. Funding shall be awarded for projects that include three (3) or more of the following components:

- (1) Certification of skills and competencies;
- (2) Professional development for teachers;
- (3) Integration with curriculum standards;
- (4) Online access to research-based content and curriculum; or
- (5) Instructional software for classroom use.

The Department of Education shall provide a report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee by January 15, 2022, regarding the number and type of certificates earned by students and faculty.

SECTION 10. DEFINITIONS. For the purposes of this act, "distributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administrative costs. "Expended" means moneys that pay for the cost of contracts that provide services to school districts, public charter schools or students, or that pay for the Department of Education's cost of administering the programs for which the moneys are allocated.

SECTION 11. ACQUISITIONS. Consistent with the provisions of Chapter 92, Title 67, Idaho Code, the Department of Education is encouraged to engage in open, competitive acquisition processes. The Department of Education shall provide a report to the Joint Finance-Appropriations Committee by December 1, 2021, on all contracts signed during fiscal year 2021 for property valued at more than \$25,000. The report shall include for each contract: (a) the amount; (b) the duration; (c) the parties; (d) the subject; (e) whether the contract was awarded as a result of an open, competitive acquisition process or as a sole source or other noncompetitive procurement pursuant to Section 67-9221, Idaho Code; and (f) the rationale for signing any sole source or other noncompetitive procurements.

Approved May 6, 2021

CHAPTER 315
(H.B. No. 372)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF EDUCATION; APPROPRIATING MONEYS TO THE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REQUIRING AN ACQUISITIONS REPORT; PROVIDING REAPPROPRIATION AUTHORITY FOR EMERGENCY ASSISTANCE FOR NON-PUBLIC SCHOOLS; PROVIDING REAPPROPRIATION AUTHORITY FOR CHILD NUTRITION PROGRAMS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2021; 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 Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:				
FROM:				
General				
Fund	\$2,620,000	\$802,100	\$3,430,000	\$6,852,100
Indirect Cost Recovery				
Fund	724,000	158,700		882,700
Broadband Infrastructure				
Fund			1,900,000	1,900,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Public Instruction				
Fund	495,400	199,300		694,700
Federal Grant				
Fund	<u>0</u>	<u>96,000</u>	<u>0</u>	<u>96,000</u>
TOTAL	\$3,839,400	\$1,256,100	\$5,330,000	\$10,425,500
II. STUDENT SERVICES:				
FROM:				
General				
Fund	\$2,346,200	\$3,484,700	\$24,100	\$5,855,000
Indirect Cost Recovery				
Fund	97,600	902,600		1,000,200
Driver's Training				
Fund	196,600	151,400	2,113,300	2,461,300
Public Instruction				
Fund	370,200	764,600	11,400	1,146,200
Miscellaneous Revenue				
Fund	323,300	185,300		508,600
Public Schools Other Income				
Fund	100,900	362,300		463,200
Cigarette, Tobacco, and Lottery Income Taxes				
Fund	104,000			104,000
Federal COVID-19 Relief				
Fund	500,000			500,000
Federal Grant				
Fund	<u>4,477,600</u>	<u>12,147,500</u>	<u>82,200</u>	<u>16,707,300</u>
TOTAL	\$8,516,400	\$17,998,400	\$2,231,000	\$28,745,800
GRAND TOTAL	\$12,355,800	\$19,254,500	\$7,561,000	\$39,171,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Education is authorized no more than one hundred twenty-three (123.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. ACQUISITIONS. Consistent with the provisions of Chapter 92, Title 67, Idaho Code, the Department of Education is encouraged to engage in open, competitive acquisition processes. The Department of Education shall provide a report to the Joint Finance-Appropriations Committee by December 1, 2021, on all contracts signed during fiscal year 2021 for property valued at more than \$25,000. The report shall include for each contract: (a) the amount; (b) the duration; (c) the parties; (d) the subject; (e) whether the contract was awarded as a result of an open, competitive acquisition process or a sole source or other noncompetitive procurement pursuant to Section 67-9221, Idaho Code; and (f) the rationale for signing any sole source or other noncompetitive procurements.

SECTION 4. REAPPROPRIATION AUTHORITY FOR NON-PUBLIC SCHOOL FUNDING. There is hereby reappropriated to the Department of Education for the Student Services Program any unexpended and unencumbered balances appropriated to the Department of Education for the Student Services Program from the Federal COVID-19 Relief Fund for services related to the Emergency Assistance for Non-Public Schools program for fiscal year 2021, in an amount not to exceed \$19,381,600 in trustee and benefit payments, to be used for nonrecurring expenditures related to the Emergency Assistance for Non-Public Schools program for the period July 1, 2021, through June 30, 2022. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. REAPPROPRIATION AUTHORITY FOR SCHOOL NUTRITION PROGRAMS. There is hereby reappropriated to the Department of Education for the Student Services Program any unexpended and unencumbered balances appropriated to the Department of Education for the Student Services Program from the Federal COVID-19 Relief Fund for services related to the P-EBT school nutrition services program for fiscal year 2021, in an amount not to exceed \$1,600,500, to be used for nonrecurring expenditures related to the P-EBT school nutrition services program for the period July 1, 2021, through June 30, 2022. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. In addition to the appropriation made in Section 1, Chapter 289, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Department of Education for the Student Services Program the following amounts to be expended according to the designated expense classes from the Federal COVID-19 Relief Fund for the period July 1, 2020, through June 30, 2021:

FOR:

Personnel Costs	\$1,138,600
Operating Expenditures	961,900
Trustee and Benefit Payments	<u>19,381,600</u>
TOTAL	\$21,482,100

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 of this act shall be in full force and effect on and after passage and approval.

Approved May 6, 2021

CHAPTER 316
(H.B. No. 373)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2022.

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 Commission for Libraries the following amounts to be expended according to the designated expense classes from the American Rescue Plan Fund for the period July 1, 2021, through June 30, 2022:

FOR:

Personnel Costs	\$100,000
Operating Expenditures	1,200,000
Trustee and Benefit Payments	<u>1,000,000</u>
TOTAL	\$2,300,000

Approved May 6, 2021

CHAPTER 317
(H.B. No. 374)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022.

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 Cooperative Welfare (General) Fund for the period July 1, 2021, through June 30, 2022:

FOR:	PERSONNEL COSTS	TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Child Welfare	\$120,000		\$120,000
Foster & Assistance Payments	<u>0</u>	<u>\$120,000</u>	<u>120,000</u>
TOTAL	\$120,000	\$120,000	\$240,000

Approved May 6, 2021

CHAPTER 318
(H.B. No. 382)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022; PROVIDING FOR ACKNOWLEDGMENT OF THE ONETIME NATURE OF FUNDS; 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 233, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Enhanced Medicaid Plan Program \$16,000,000 from the Cooperative Welfare (Federal) Fund to be expended for trustee and benefit payments for the period July 1, 2020, through June 30, 2021, for the purpose of enhanced reimbursement rates for home- and community-based services.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Enhanced Medicaid Plan Program \$62,000,000 from the Cooperative Welfare (Federal) Fund to be expended for trustee and benefit payments for the period July 1, 2021, through June 30, 2022, for the purpose of enhanced reimbursement rates for home- and community-based services.

SECTION 3. ACKNOWLEDGMENT OF ONETIME NATURE. Notwithstanding the provisions of Section 56-265, Idaho Code, and any other provision of law to the contrary, home- and community-based providers enrolled and in good standing with Medicaid shall receive an increase to any regular reimbursement otherwise received from the Division of Medicaid for home- and community-based services funded by the 10% FMAP increase as provided in P.L. 117-2 for the period April 1, 2021, or upon release by the Centers for Medicare and Medicaid Services (CMS), whichever is sooner, through March 31, 2022, or until funds appropriated for this purpose are expended. This increase shall be used solely for temporary pay increases or bonuses for direct care workers subject to guidance from CMS and federal limitations for the funds. In order to receive any increase related to this section, the provider must sign a statement acknowledging that the increase is available only for the time period specified by this section. Further, this increase is provided with onetime federal funding for a onetime purpose and shall not obligate the department to spend or request ongoing funds for fiscal year 2023 or obligate the Legislature to provide an appropriation for ongoing pay increases.

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

Approved May 6, 2021

CHAPTER 319
(H.B. No. 384)

AN ACT

RELATING TO THE APPROPRIATION TO THE MILITARY DIVISION FOR FISCAL YEAR 2021;
APPROPRIATING ADDITIONAL MONEYS TO THE MILITARY DIVISION FOR FISCAL
YEAR 2021; 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 206, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Military Division for the Federal/State Agreements Program the following amounts to be expended according to the designated expense classes from the Federal Grant Fund for the period July 1, 2020, through June 30, 2021:

FOR:

Operating Expenditures	\$6,054,000
Capital Outlay	<u>465,000</u>
TOTAL	\$6,519,000

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 May 6, 2021

CHAPTER 320
(S.B. No. 1204)

AN ACT

RELATING TO AMERICAN RESCUE PLAN FUNDS; AMENDING CHAPTER 35, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-3533, IDAHO CODE, TO DECLARE FEDERAL AMERICAN RESCUE PLAN ACT OF 2021 FUNDS COGNIZABLE AND TO PROVIDE LEGISLATIVE INTENT; AMENDING CHAPTER 35, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-3534, IDAHO CODE, TO ESTABLISH THE AMERICAN RESCUE PLAN FUND; AMENDING CHAPTER 35, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-3535, IDAHO CODE, TO ESTABLISH THE AMERICAN RESCUE PLAN COST RECOVERY FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 35, 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 67-3533, Idaho Code, and to read as follows:

67-3533. FEDERAL AMERICAN RESCUE PLAN ACT OF 2021 -- COGNIZABLE FUNDS -- LEGISLATIVE INTENT. (1) Notwithstanding the provisions of section 67-3516(2), Idaho Code, or any other law to the contrary, all federal funding made available to Idaho state agencies originating from the federal American rescue plan act of 2021 (ARPA), P.L. 117-2, is hereby declared cognizable, is not subject to the provisions of section 67-3516(2), Idaho Code, and requires legislative appropriation for expenditure by any Idaho state agency.

(2) With respect to the discretionary funds provided to the state under ARPA, including the coronavirus state fiscal recovery fund and the coronavirus capital projects fund, it is the intent of the legislature that, in addition to any other applicable law and guidance, the following principles shall govern the appropriation and expenditure of such funds:

(a) ARPA funds are borrowed from our grandchildren. To the extent allowable under law, the state should make long-range investments with ARPA funds that will benefit our grandchildren.

(b) In accordance with section 67-1917, Idaho Code, and the principle that onetime funding should be used for onetime expenditures, state agencies receiving ARPA funds shall plan for the reduction of these federal funds to avoid creating ongoing obligations that are shifted to the general fund after the federal funds are depleted.

(c) The use of ARPA funds should not impede or inhibit the state's constitutional mandate to provide for a balanced budget for the people of Idaho. ARPA funds should be used to maintain a long-term, structurally balanced budget such that ongoing revenue should exceed ongoing expenses. ARPA funds should also be used to lower the state's capital costs and deferred maintenance costs in the years ahead to the extent permissible.

(d) ARPA funds should not duplicate other federal programs under which support is provided to specific industries or through specific programs.

(e) Local governments and state agencies receiving direct ARPA funds from the federal government should use such direct funds as the dollars of first resort and exhaust their direct funds before requesting assistance from the coronavirus state fiscal recovery fund established under ARPA. Local governments should partner with special purpose taxing districts on addressing local needs from their local share of ARPA funds.

(f) Local governments receiving direct ARPA funds should use the funds for infrastructure investments and allowable offsets that can reduce the property tax burden that Idahoans will face into the future.

SECTION 2. That Chapter 35, 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 67-3534, Idaho Code, and to read as follows:

67-3534. AMERICAN RESCUE PLAN FUND. There is hereby created in the state treasury the American rescue plan fund. The fund shall be used to account for receipts, disbursements, and reimbursements related to the federal American rescue plan act of 2021, P.L. 117-2, moneys received by the state of Idaho. Moneys in the fund can be expended only after legislative appropriation. Except as prohibited by law, the office of the state treasurer shall invest idle moneys, and the fund shall retain its interest.

SECTION 3. That Chapter 35, 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 67-3535, Idaho Code, and to read as follows:

67-3535. AMERICAN RESCUE PLAN COST RECOVERY FUND. There is hereby created in the state treasury the American rescue plan cost recovery fund. The fund shall be used to account for state costs allowable for reimbursement pursuant to the federal American rescue plan act of 2021, P.L. 117-2. After review of allowable costs, the division of financial management shall request the state controller to transfer an amount not to exceed the allowable costs from the American rescue plan fund established in section 67-3534, Idaho Code, to the American rescue plan cost recovery fund. Moneys in the fund can be expended only after legislative appropriation. Except as prohibited by law, the office of the state treasurer shall invest idle moneys, and the fund shall retain its interest.

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

Approved May 10, 2021

CHAPTER 321

(S.B. No. 1053, As Amended)

AN ACT

RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 19-4804, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-2110, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-4-613, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 30-24-801, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-25-103, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-25-110, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-25-205, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-25-701, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-25-703, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 30-25-705, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-30-205, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 31-2404, IDAHO CODE, TO PROVIDE A CORRECT REFERENCE; AMENDING SECTION 33-137, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-524, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 64, LAWS OF 2020, TO REDESIGNATE THE SECTION; AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1004B, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 62, TITLE 33, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 328, LAWS OF 2020, TO REDESIGNATE THE CHAPTER AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 39-118E, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-4429, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-5204, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-5608, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-5803, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-6104, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-7904, IDAHO CODE, TO PROVIDE A CORRECT RULE REFERENCE; AMENDING SECTION 39-7910, IDAHO CODE, TO PROVIDE A CORRECT RULE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-2006, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-2804, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-2870, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-3354, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 41-3401, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 41-3413, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-3608, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 42-619, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 47-704, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-402D, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 49-443, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1116, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-4711, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-5103, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-5408, IDAHO CODE, TO

REMOVE SURPLUS VERBIAGE; AMENDING SECTION 67-1401, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 93, TITLE 67, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 296, LAWS OF 2019, TO REDESIGNATE THE CHAPTER.

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

SECTION 1. That Section 19-4804, Idaho Code, be, and the same is hereby amended to read as follows:

19-4804. DATA OVERSIGHT COUNCIL. (1) There is hereby created in the office of the state controller the data oversight council. All requests for projects, reports, and data analyses generated from the criminal justice integrated data system must be approved by the data oversight council.

(2) The data oversight council shall be comprised of:

(a) The governor or his designee;

(b) The chief justice of the Idaho supreme court or his designee;

(c) The attorney general or his designee;

(d) The state controller or his designee;

(e) The director of the department of correction or his designee;

(f) The executive director of the commission of pardons and parole or his designee;

(g) The director of the department of juvenile corrections or his designee;

(h) The director of the department of health and welfare or his designee;

(i) The director of the Idaho state police or his designee;

(j) The administrator of the office of information technology services or his designee; and

(k) A designee from the state department of education selected by the governor.

(3) Any designee under subsection (2) of this section must be an employee in the office, agency, or department of his respective designating authority. Members of the data oversight council shall serve without any additional compensation or honorarium.

(4) The data oversight council, by majority vote, shall elect a chairman among its members who shall serve a term of two (2) years while serving on the council.

(5) All meetings of the data oversight council shall be held in compliance with the open meetings law as provided in chapter 2, title 74, Idaho Code.

(6) The state controller shall work in collaboration with the data oversight council to manage the criminal justice integrated data system. It shall be the duty of the state controller, in conjunction with the data oversight council, to assure confidentiality of all records and data collected by the criminal justice integrated data system and to assure compliance with applicable state and federal laws and rules governing the privacy of records, data, and personal identifiable information.

(7) Any projects, reports, or data analyses in final form produced by persons authorized to conduct research and analyses under this chapter shall belong to the requesting local government or state agency or department and not the office of the state controller.

(8) The Idaho legislature, as well as the contributing state agencies and departments and local governments shall have priority in requesting any projects, reports, or data analyses to be produced by persons authorized by the data oversight council. The data oversight council may, in its discretion, deny any requested project, report, or data analysis where it determines the request is unduly burdensome, voluminous, or cost-prohibitive.

(9) The office of the state controller, members of the data oversight council, and all contributing local governments, state agencies and departments, or volunteer nongovernmental entities shall be immune from liability to any person or entity for any invasion of the right to privacy or use of records or data generated by the criminal justice integrated data system.

(10) In collaboration with contributing local governments, state agencies and departments, or volunteer nongovernmental entities and the data oversight council, the state controller may establish policies addressing the creation of reports generated through the query of records and data possessed by the criminal justice integrated data system. Provided, however, contributing volunteer nongovernmental entities may only collaborate with respect to the data or information contributed by that volunteer nongovernmental entity.

SECTION 2. That Section 26-2110, Idaho Code, be, and the same is hereby amended to read as follows:

26-2110. MEMBERSHIP. (a) The membership of a credit union shall be limited to and consist of the subscribers to the articles of incorporation and such other persons having the common bond set forth in the articles of incorporation as have been duly admitted members, have paid the entrance fee, if any, as provided in the bylaws, have subscribed and paid for one (1) or more shares, and have complied with such other requirements as the articles of incorporation or bylaws may specify.

(b) Credit union organizations shall be limited to groups having a common bond of occupation or association, or to residents within a well-defined neighborhood, community, or rural district, employees of a common employer, or members of a bona fide fraternal, religious, cooperative, labor, rural, educational, or similar organization and members of the immediate family of such persons.

(c) Societies and associations composed entirely of individuals who are within the field of membership of the credit union may be admitted to membership in the same manner and under the same conditions as individuals.

(d) An individual who leaves the field of membership may be permitted to retain his membership in the credit union at the discretion of the board, and as provided in the bylaws.

(e) An employer, including the state and its political subdivisions, may become a member of a credit union, of which its employee is a member, only for the purpose of placing shares or deposits in the credit union pursuant to an employee deferred compensation plan qualified under chapter 400 of the ~~i~~Internal ~~r~~Revenue ~~e~~Code of 1954, as amended, or other retirement plans set out in section 26-2151, Idaho Code.

(f) Credit unions may become members of other Idaho credit unions ~~for the purposes provided in section 26-2120, Idaho Code.~~

SECTION 3. That Section 28-4-613, Idaho Code, be, and the same is hereby amended to read as follows:

28-4-613. ERRONEOUS PAYMENT ORDERS. (1) If an accepted payment order was transmitted pursuant to a security procedure for the detection of error and the payment order (i) erroneously instructed payment to a beneficiary not intended by the sender, (ii) erroneously instructed payment in an amount greater than the amount intended by the sender, or (iii) was an erroneously transmitted duplicate of a payment order previously sent by the sender, the following rules apply:

(a) If the sender proves that the sender or a person acting on behalf of the sender pursuant to section 28-4-614, Idaho Code, complied with the security procedure and that the error would have been detected if the receiving bank had also complied, the sender is not obliged to pay the order to the extent stated in paragraphs (b) and (c) of this subsection.

(b) If the funds transfer is completed on the basis of an erroneous payment order described in clause (i) or (iii) of this subsection, the sender is not obliged to pay the order and the receiving bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(c) If the funds transfer is completed on the basis of a payment order described in clause (ii) of this subsection ~~of this section~~, the sender is not obliged to pay the order to the extent the amount received by the beneficiary is greater than the amount intended by the sender. In that case, the receiving bank is entitled to recover from the beneficiary the excess amount received to the extent allowed by the law governing mistake and restitution.

(2) If (i) the sender of an erroneous payment order described in subsection (1) of this section is not obliged to pay all or part of the order, and (ii) the sender receives notification from the receiving bank that the order was accepted by the bank or that the sender's account was debited with respect to the order, the sender has a duty to exercise ordinary care, on the basis of information available to the sender, to discover the error with respect to the order and to advise the bank of the relevant facts within a reasonable time, not exceeding ninety (90) days, after the bank's notification was received by the sender. If the bank proves that the sender failed to perform that duty, the sender is liable to the bank for the loss the bank proves it incurred as a result of the failure, but the liability of the sender may not exceed the amount of the sender's order.

(3) This section applies to amendments to payment orders to the same extent it applies to payment orders.

SECTION 4. That Section 30-24-801, Idaho Code, be, and the same is hereby amended to read as follows:

30-24-801. EVENTS CAUSING DISSOLUTION. (a) A limited partnership is dissolved, and its activities and affairs must be wound up, upon the occurrence of any of the following:

(1) An event or circumstance that the partnership agreement states causes dissolution;

(2) The affirmative vote or consent of all general partners and of limited partners owning a majority of the rights to receive distributions as limited partners at the time the vote or consent is to be effective;

(3) After the dissociation of a person as a general partner:

(A) If the partnership has at least one (1) remaining general partner, the affirmative vote or consent to dissolve the partnership not later than ninety (90) days after the dissociation by partners owning a majority of the rights to receive distributions as partners at the time the vote or consent is to be effective; or

(B) If the partnership does not have a remaining general partner, the passage of ninety (90) days after the dissociation, unless before the end of the period:

(i) Consent to continue the activities and affairs of the partnership and admit at least one (1) general partner is given by limited partners owning a majority of the rights to receive distributions as limited partners at the time the consent is to be effective; and

(ii) At least one (1) person is admitted as a general partner in accordance with the consent;

(4) The passage of ninety (90) consecutive days after the dissociation of the partnership's last limited partner, unless before the end of the period the partnership admits at least one (1) limited partner;

(5) The passage of ninety (90) consecutive days during which the partnership has only one (1) partner, unless before the end of the period:

(A) The partnership admits at least one (1) person as a partner;

(B) If the previously sole remaining partner is only a general partner, the partnership admits the person as a limited partner; and

(C) If the previously sole remaining partner is only a limited partner, the partnership admits a person as a general partner;

(6) On application by a partner, the entry by the district court of an order dissolving the partnership on the grounds that:

(A) The conduct of all or substantially all the partnership's activities and affairs is unlawful; or

(B) It is not reasonably practicable to carry on the partnership's activities and affairs in conformity with the certificate of limited partnership and partnership agreement; or

(7) The signing and filing of a statement of administrative dissolution by the secretary of state under section ~~24-1-602~~ 30-21-602, Idaho Code.

(b) If an event occurs that imposes a deadline on a limited partnership under subsection (a) of this section and before the partnership has met the requirements of the deadline, another event occurs that imposes a different deadline on the partnership under subsection (a) of this section:

(1) The occurrence of the second event does not affect the deadline caused by the first event; and

(2) The partnership's meeting of the requirements of the first deadline does not extend the second deadline.

SECTION 5. That Section 30-25-103, Idaho Code, be, and the same is hereby amended to read as follows:

30-25-103. KNOWLEDGE -- NOTICE. (a) A person knows a fact if the person:

(1) Has actual knowledge of it; or

(2) Is deemed to know it under subsection (d) (1) of this section or law other than this act.

(b) A person has notice of a fact if the person:

(1) Has reason to know the fact from all the facts known to the person at the time in question; or

(2) Is deemed to have notice of the fact under subsection (d) (2) of this section.

(c) Subject to section ~~30-25-210(f)~~ 30-21-212, Idaho Code, a person notifies another person of a fact by taking steps reasonably required to inform the other person in ordinary course, whether or not those steps cause the other person to know the fact.

(d) A person not a member is deemed:

(1) To know of a limitation on authority to transfer real property as provided in section 30-25-302(g), Idaho Code; and

(2) To have notice of a limited liability company's:

(A) Dissolution ninety (90) days after a statement of dissolution under section 30-25-702(b) (2) (A), Idaho Code, becomes effective;

(B) Termination ninety (90) days after a statement of termination under section 30-25-702(b) (2) (F), Idaho Code, becomes effective; and

(C) Participation in a merger, interest exchange, conversion, or domestication, ninety (90) days after articles of merger, interest exchange, conversion, or domestication under chapter 22, title 30, Idaho Code, become effective.

SECTION 6. That Section 30-25-110, Idaho Code, be, and the same is hereby amended to read as follows:

30-25-110. APPLICATION TO EXISTING RELATIONSHIPS. (a) Before July 1, 2017, this chapter governs only:

(1) A limited liability company formed on or after July 1, 2015; and

(2) Except as otherwise provided in subsection (c) of this section, a limited liability company formed before July 1, 2015, that elects, in the manner provided in its operating agreement or by law for amending the operating agreement, to be subject to this chapter.

(b) Except as otherwise provided in subsection (c) of this section, on and after July 1, 2017, this chapter governs all limited liability companies.

(c) For purposes of applying this chapter to a limited liability company formed before July 1, 2008:

(1) The company's articles of organization are deemed to be the company's certificate of organization; and

(2) For purposes of applying section 30-25-102~~(10)~~(a)(7), Idaho Code, and subject to section 30-25-107(d), Idaho Code, language in the company's articles of organization designating the company's management structure operates as if that language were in the operating agreement.

SECTION 7. That Section 30-25-205, Idaho Code, be, and the same is hereby amended to read as follows:

30-25-205. SUBJECTS COVERED OUTSIDE CHAPTER. The following subjects are covered outside this chapter:

(1) Signing and filing pursuant to judicial order - section 30-21-210, Idaho Code.

(2) Filing requirements - section 30-21-201, Idaho Code.

(3) Effective date and time - section 30-21-203, Idaho Code.

(4) Withdrawal of filed record before effectiveness - section 30-21-204, Idaho Code.

(5) Correcting filed record - section 30-21-205, Idaho Code.

(6) Duty of secretary of state to file; review of refusal to file; delivery of record by secretary of state - sections 30-21-206 and 30-21-21~~1~~2, Idaho Code.

(7) Certificate of good standing or registration - section 30-21-208, Idaho Code.

(8) Annual report for secretary of state - section 30-21-213, Idaho Code.

SECTION 8. That Section 30-25-701, Idaho Code, be, and the same is hereby amended to read as follows:

30-25-701. EVENTS CAUSING DISSOLUTION. (a) A limited liability company is dissolved, and its activities and affairs must be wound up, upon the occurrence of any of the following:

(1) An event or circumstance that the operating agreement states causes dissolution;

(2) The affirmative vote or consent of all the members;

(3) The passage of ninety (90) consecutive days during which the company has no members unless before the end of the period:

(A) Consent to admit at least one (1) specified person as a member is given by transferees owning the rights to receive a majority of distributions as transferees at the time the consent is to be effective; and

(B) At least one (1) person becomes a member in accordance with the consent;

(4) On application by a member, the entry by the district court of an order dissolving the company on the grounds that:

(A) The conduct of all or substantially all the company's activities and affairs is unlawful; or

(B) It is not reasonably practicable to carry on the company's activities and affairs in conformity with the certificate of organization and the operating agreement; or

(C) The managers or those members in control of the company:

(i) Have acted, are acting, or will act in a manner that is illegal or fraudulent; or

(ii) Have acted or are acting in a manner that is oppressive and was, is, or will be directly harmful to the applicant; or

(5) The signing and filing of a statement of administrative dissolution by the secretary of state under section ~~30-25-708~~ 30-21-602, Idaho Code.

(b) In a proceeding brought under subsection (a) (4) (B) of this section, the court may order a remedy other than dissolution.

SECTION 9. That Section 30-25-703, Idaho Code, be, and the same is hereby amended to read as follows:

30-25-703. RESCINDING DISSOLUTION. (a) A limited liability company may rescind its dissolution, unless a statement of termination applicable to the company is effective, the district court has entered an order under section 30-25-701(a) (4), Idaho Code, dissolving the company, or the secretary of state has dissolved the company under section ~~30-25-708~~ 30-21-602, Idaho Code.

(b) Rescinding dissolution under this section requires:

(1) The affirmative vote or consent of each member;

(2) If a statement of dissolution applicable to the limited liability company has been filed by the secretary of state but has not become effective, the delivery to the secretary of state for filing of a statement of withdrawal under section ~~30-21-208~~ 30-21-204, Idaho Code, applicable to the statement of dissolution; and

(3) If a statement of dissolution applicable to the limited liability company is effective, the delivery to the secretary of state for filing of a statement of rescission stating the name of the company and that dissolution has been rescinded under this section.

(c) If a limited liability company rescinds its dissolution:

(1) The company resumes carrying on its activities and affairs as if dissolution had never occurred;

(2) Subject to paragraph (3) of this subsection, any liability incurred by the company after the dissolution and before the rescission is effective is determined as if dissolution had never occurred; and

(3) The rights of a third party arising out of conduct in reliance on the dissolution before the third party knew or had notice of the rescission may not be adversely affected.

SECTION 10. That Section 30-25-705, Idaho Code, be, and the same is hereby amended to read as follows:

30-25-705. OTHER CLAIMS AGAINST DISSOLVED LIMITED LIABILITY COMPANY. (a) A dissolved limited liability company may publish notice of its dissolution and request persons having claims against the company to present them in accordance with the notice.

(b) A notice under subsection (a) of this section must:

(1) Be published at least once in a newspaper of general circulation in the county in this state in which the dissolved limited liability company's principal office is located or, if the principal office is not located in this state, in the county in which the office of the company's registered agent is or was last located;

(2) Describe the information required to be contained in a claim, state that the claim must be in writing, and provide a mailing address to which the claim is to be sent; and

(3) State that a claim against the company is barred unless an action to enforce the claim is commenced not later than three (3) years after publication of the notice.

(c) If a dissolved limited liability company publishes a notice in accordance with subsection (2) of this section, the claim of each of the following claimants is barred unless the claimant commences an action to enforce the claim against the company not later than three (3) years after the publication date of the notice:

(1) A claimant that did not receive notice in a record under section 30-25-704, Idaho Code;

(2) A claimant whose claim was timely sent to the company but not acted on; and

(3) A claimant whose claim is contingent at, or based on an event occurring after, the date of dissolution.

(d) A claim not barred under this section or section 30-25-704, Idaho Code, may be enforced:

(1) Against a dissolved limited liability company, to the extent of its undistributed assets; and

(2) Except as otherwise provided in section 30-275-706, Idaho Code, if assets of the company have been distributed after dissolution, against a member or transferee to the extent of that person's proportionate share of the claim or of the company's assets distributed to the member or transferee after dissolution, whichever is less, but a person's total liability for all claims under this paragraph may not exceed the total amount of assets distributed to the person after dissolution.

SECTION 11. That Section 30-30-205, Idaho Code, be, and the same is hereby amended to read as follows:

30-30-205. ORGANIZATION OF CORPORATION. (1) After incorporation:

(a) If initial directors are named in the articles of incorporation, the initial directors shall hold an organizational meeting, at the call of a majority of the directors, to complete the organization of the corporation by appointing officers, adopting bylaws and carrying on any other business brought before the meeting;

(b) If initial directors are not named in the articles, the incorporator or incorporators shall hold an organizational meeting at the call of a majority of the incorporators:

(i) To elect directors and complete the organization of the incorporation; or

(ii) To elect a board of directors who shall complete the organization of the corporation.

(2) Action required or permitted by this act to be taken by incorporators at an organizational meeting may be taken without a meeting if the action taken is evidenced by one (1) or more written consents describing the action taken and signed by each incorporator.

(3) An organizational meeting may be held in or out of this state in accordance with section 30-30-613~~2~~, Idaho Code.

SECTION 12. That Section 31-2404, Idaho Code, be, and the same is hereby amended to read as follows:

31-2404. INDEXES TO BE KEPT. Every recorder must keep:

(1) An index of deeds, grants and transfers, labeled "Grantors," each page divided into four (4) columns, headed respectively, "Names of grantors," "Names of grantees," "Date of deeds, grants or transfers" and "Where recorded."

(2) An index of deeds, labeled "Grantees," each page divided into four (4) columns, headed respectively, "Names of grantees," "Names of grantors," "Date of deeds, grants or transfers" and "Where recorded."

(3) An index of mortgages, labeled "Mortgagors of real property," with the pages thereof divided into five (5) columns, headed respectively, "Names of mortgagors," "Names of mortgagees," "Date of mortgages," "Where recorded," and "When discharged."

(4) An index of mortgages, labeled "Mortgagees of real property," with the pages thereof divided into five (5) columns, headed respectively, "Names of mortgagees," "Names of mortgagors," "Date of mortgages," "Where recorded," and "When discharged."

(5) An index of release of mortgages, labeled "Releases of mortgages of real property--mortgagors," with the pages thereof divided into six (6) columns, headed respectively, "Parties releasing," "To whom releases are given," "Date of releases," "Where releases are recorded," "Date of mortgages released," and "Where mortgages released are recorded."

(6) An index of releases of mortgages, labeled "Releases of mortgages of real property--mortgagees," with the pages thereof divided into six (6) columns, headed respectively, "Parties whose mortgages are released," "Parties releasing," "Date of releases," "Where recorded," "Date of mortgages released," and "Where mortgages released are recorded."

(7) An index of powers of attorney, labeled "Powers of attorney," each page divided into five (5) columns, headed respectively, "Names of parties executing powers," "To whom powers are executed," "Date of powers," "Date of recording," and "Where powers are recorded."

(8) An index of leases, labeled "Lessors," each page divided into four (4) columns, headed respectively, "Names of lessors," "Names of lessees," "Date of leases," and "When and where recorded."

(9) An index of leases, labeled "Lessees," each page divided into four (4) columns, headed respectively, "Names of lessees," "Names of lessors," "Date of leases," and "When and where recorded."

(10) An index of marriage certificates, labeled "Marriage certificates--Men," each page divided into six (6) columns, headed respectively, "Men married," "To whom married," "When married," "By whom married," "Where married," and "Where certificates are recorded."

(11) An index of marriage certificates, labeled "Marriage certificates--Women," each page divided into six (6) columns, headed respectively, "Women married" (and under this head placing the family names of the women), "To whom married," "When married," "By whom married," "Where married," and "Where certificates are recorded."

(12) An index of assignments of real property mortgages and leases, labeled "Assignments of mortgages and leases--assignors," each page divided into five (5) columns, headed respectively, "Assignors," "Assignees," "Instruments assigned," "Date of assignment," and "When and where recorded."

(13) An index of assignments of real property mortgages and leases, labeled "Assignments of mortgages and leases--assignees," each page divided into five (5) columns, headed respectively, "Assignees," "Assignors," "Instruments assigned," "Date of assignments," and "When and where recorded."

(14) An index of wills, labeled "Wills," each page divided into four (4) columns, headed respectively, "Names of testators," "Date of wills," "Date of probate," and "When and where recorded."

(15) An index of official bonds, labeled "Official bonds," each page divided into five (5) columns, headed respectively, "Names of officers," "Names of offices," "Date of bonds," "Amount of bonds," and "When and where recorded."

(16) An index of notices of mechanics' liens, labeled "Mechanics' liens," each page divided into three (3) columns, headed respectively, "Parties claiming liens," "Against whom claimed," and "Notices, when and where recorded."

(17) An index to transcripts of judgment, labeled "Transcripts of judgments," each page divided into seven (7) columns, headed respectively, "Judgment debtors," "Judgment creditors," "Amount of judgments," "Where recorded," "When recovered," "When transcript filed," and "When judgment satisfied."

(18) An index of attachments, labeled "Attachments," each page divided into six (6) columns, headed respectively, "Parties against whom attachments are issued," "Parties issuing attachments," "Notices of attachments," "When recorded," "Where recorded," and "When attachments discharged."

(19) An index of notices of the pendency of actions, labeled "Notices of actions," each page divided into three (3) columns, headed respectively, "Parties to the actions," "Notices, when recorded," and "Where recorded."

(20) An index of the separate property of married women, labeled "Separate property of married women," each page divided into five (5) columns, headed respectively, "Names of married women," "Names of their husbands," "Nature of instruments recorded," "When recorded," and "Where recorded."

(21) An index of possessory claims, labeled "Possessory claims," each page divided into five (5) columns, headed respectively, "Claimants," "Notices," "When received," "Date of notices," and "When and where recorded."

(22) An index of homesteads, labeled "Homesteads," each page divided into five (5) columns, headed respectively, "Claimants," "Date of declaration," "When and where recorded," "Abandonment," and "When and where recorded."

(23) An index of agreements and bonds affecting the title of real property, labeled "Real property agreements," each page divided into four (4) columns, headed respectively, "Vendors," "Vendees," "Date of agreement," and "When and where recorded."

(24) An index of mining claims, labeled "Mining claims," each page divided into five (5) columns, headed "Locators," "Name of claim," "Date of location," "When filed for record," and "Where recorded."

(25) An index of water rights, labeled "Water rights," each page divided into four (4) columns, labeled, "Locators," "Date of notice," "When filed for record," and "Where recorded."

(26) A general index of all papers to be entered as they are filed.

(27) An index, labeled "Financing Statements," as required under Part 4 5 of the Uniform Commercial Code--Secured Transactions, chapter 9, title 28, Idaho Code.

(28) In lieu of the above-named indexes, a recorder may create an electronic management system into which all of the above-named indexes are file names. Each of these files shall segregate the above-referenced records and permit search and retrieval capabilities of each file type under each of the above-enumerated categories.

SECTION 13. That Section 33-137, Idaho Code, be, and the same is hereby amended to read as follows:

33-137. DIGITAL AND ONLINE LIBRARY RESOURCES FOR K-12 STUDENTS. (1) A school district or public charter school may offer digital or online library resources to students in kindergarten through grade 12 only if the vendor or other person or entity providing the resources verifies that all the resources will comply with the provisions of subsection (2) of this section.

(2) Digital or online library resources offered by school districts or public charter schools to students in kindergarten through grade 12 must have safety policies and technology protection measures that:

(a) Prohibit and prevent a user of the resource from sending, receiving, viewing, or downloading materials that are deemed to be harmful to minors, as defined by section 18-1514, Idaho Code; and

(b) Filter or block access to obscene materials, materials harmful to minors, and materials that depict the sexual exploitation of a minor, as defined in chapter 15, title 18, Idaho Code.

(3) Notwithstanding any contract provision to the contrary, if a provider of digital or online library resources fails to comply with the requirements of subsection (2) of this section, the school district or public charter school may withhold further payments, if any, to the provider pending verification of compliance with that subsection.

(4) If a provider of digital or online library resources fails to timely verify that the provider is in compliance with the requirements of subsection (2) of this section, the school district or public charter school may consider the provider's act of noncompliance a breach of contract.

(5) No later than December 1 of each year, the Idaho commission for libraries shall submit to the governor and the senate and house of representatives education committees an aggregate written report on any issues related to provider compliance with technology protection measures required by subsection (2) of this section.

SECTION 14. That Section 33-524, Idaho Code, as enacted by Section 1, Chapter 64, Laws of 2020, be, and the same is hereby amended to read as follows:

33-5245. ADVANCE ENROLLMENT FOR MILITARY DEPENDENTS. Each school district shall establish a process under which a child may enroll in or register for courses at a school in the school district, regardless of where such child resides at the time of enrollment or registration, if the child is a dependent of a member of the United States armed forces who has received transfer orders to a location in Idaho and will, upon such transfer, reside in the school district.

SECTION 15. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

(1) State Educational Support Funds. Add the state appropriation, including the moneys available in the public school income fund, together with all miscellaneous revenues to determine the total state funds.

(2) From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:

(a) Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;

(b) Transportation support program as provided in section 33-1006, Idaho Code;

(c) Feasibility studies allowance as provided in section 33-1007A, Idaho Code;

(d) The approved costs for border district allowance, provided in section 33-1403, Idaho Code, as determined by the state superintendent of public instruction;

(e) The approved costs for exceptional child approved contract allowance, provided in subsection 2. of section 33-2004, Idaho Code, as determined by the state superintendent of public instruction;

(f) Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;

(g) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(h) For expenditure as provided by the public school technology program;

(i) For employee severance payments as provided in section 33-521, Idaho Code;

(j) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;

(k) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;

(l) For an online course portal as provided for in section 33-1024, Idaho Code;

(m) For advanced opportunities as provided for in chapter 46, title 33, Idaho Code;

(n) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;

(o) For leadership premiums as provided in section 33-1004J, Idaho Code;

(p) For master teacher premiums as provided in section 33-1004I, Idaho Code;

(q) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;

(r) An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed for grades 8 through 12 as follows:

(i) For school districts and public charter schools with one hundred (100) or more students enrolled in grades 8 through 12, a pro rata distribution based on students enrolled in grades 8 through 12 or eighteen thousand dollars (\$18,000), whichever is greater;

(ii) For school districts and public charter schools with fewer than one hundred (100) students enrolled in grades 8 through 12, one hundred eighty dollars (\$180) per student enrolled in grades 8 through 12 or nine thousand dollars (\$9,000), whichever is greater;

(s) An amount specified in the public schools educational support program appropriation bill for literacy intervention pursuant to section 33-1616, Idaho Code, the disbursements made to the school districts and public charter schools in the aggregate shall not exceed the total amount appropriated for this purpose and shall be based on the actual costs of such intervention programs. School districts and public charter schools shall be reimbursed in full or in pro rata based on the average number of students in kindergarten through grade 3 who score basic or below basic on the fall statewide reading assessment in the prior three (3) years;

(t) For mastery-based education as provided for in section 33-1630~~2~~, Idaho Code;

(u) For pay for success contracting as provided in section 33-125B, Idaho Code; and

(v) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Units Allowed
41 or more....	40.....	1 or more as computed
31 - 40.99 ADA....	-.....	1
26 - 30.99 ADA....	-.....	.85
21 - 25.99 ADA....	-.....	.75
16 - 20.99 ADA....	-.....	.6
8 - 15.99 ADA....	-.....	.5
1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....	.....	.. 15
	..23...grades 4,5 & 6....	
	..22...grades 1,2 & 3....1994-95	
	..21...grades 1,2 & 3....1995-96	
	..20...grades 1,2 & 3....1996-97 and each year thereafter.	
160 to 299.99 ADA...	20	8.4
110 to 159.99 ADA...	19	6.8
71.1 to 109.99 ADA...	16	4.7
51.7 to 71.0 ADA...	15	4.0
33.6 to 51.6 ADA...	13	2.8
16.6 to 33.5 ADA...	12	1.4
1.0 to 16.5 ADA...	n/a	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
750 or more....	18.5	47
400 - 749.99 ADA....	16	28
300 - 399.99 ADA....	14.5	22
200 - 299.99 ADA....	13.5	17
100 - 199.99 ADA....	12	9
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
Grades 7- 9	.....	¹ per 14 ADA
Grades 7- 8	.....	¹ per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
14 or more....	14.5	1 or more as computed
12 - 13.99....	-	1
8 - 11.99....	- .....	.75
4 - 7.99....	- .....	.5
1 - 3.99....	- .....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS
 (Computation of alternative school support units shall include
 grades 6 through 12)

Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
12 or more.....	12	1 or more as computed

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of fewer days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The attendance of students attending an alternative school in a school district reporting fewer than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative table if the student is from a school district reporting fewer than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative school, unless the alternative school in question serves students from multiple districts reporting fewer than one hundred (100) secondary students in average daily attendance. The tables for exceptional education and alternative school support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

(5) State Distribution Factor per Support Unit. Divide educational support program distribution funds, after subtracting the amounts necessary to pay the obligations specified in subsection (2) of this section, by the total state support units to secure the state distribution factor per support unit.

(6) District Support Units. The number of support units for each school district in the state shall be determined as follows:

(a) (i) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school students. Calculations in application of this subsection shall be carried out to the nearest hundredth.

(ii) Divide the combined totals of the average daily attendance of all preschool, kindergarten, elementary, secondary, juvenile detention center students and students with disabilities approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest hundredth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subparagraph (i) of this paragraph, and the support units allowance for the approved exceptional child program, subparagraph (ii) of this paragraph.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest hundredth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, paragraph (b) of this subsection.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of paragraph (c) of this subsection.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section, a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 16. That Section 33-1004B, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004B. CAREER LADDER. School districts shall receive an allocation for instructional staff and pupil service staff based on their staffs' position on the career ladder as follows:

(1) Instructional staff and pupil service staff who are in their first year of holding a certificate shall be placed in the first cell of the residency compensation rung and shall move one (1) cell on the residency compensation rung for each year they hold a certificate thereafter for up to three (3) years, at which point they will remain in the third cell of the residency rung until they earn a professional endorsement.

(2) Instructional staff and pupil service staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(3) Instructional staff and pupil service staff on the professional compensation rung with four (4) years of experience shall move one (1) cell on the professional compensation rung unless they have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years. Instructional staff and pupil service staff on the professional compensation rung who meet the performance criteria for three (3) of the previous five (5) years, one (1) of which must be during the fourth or fifth year, shall move one (1) cell. Allocations for instructional staff and pupil service staff who do not meet the professional compensation rung performance criteria for three (3) of the previous five (5) years, one (1) of which must be during the fourth or fifth year, shall remain at the previous fiscal year allocation level. This also applies to the educational allocation.

(4) Instructional staff and pupil service staff in their first year of holding an advanced professional endorsement shall be placed in the first cell of the advanced professional compensation rung.

(5) Instructional staff and pupil service staff on the advanced professional compensation rung who met the performance criteria for the advanced professional rung in the previous year shall move one (1) cell on the advanced professional compensation rung. Allocations for instructional staff and pupil service staff who do not meet the advanced professional compensation rung performance criteria shall remain at the previous fiscal year allocation level. This also applies to the additional education allocation.

(6) Career technical education instructional staff holding an occupational specialist certificate shall be placed on the career ladder as follows:

(a) Instructional staff new to working in an Idaho public school:

(i) With two (2) or three (3) years of industry experience in a field closely related to the subjects they seek to teach shall be placed in an equivalent cell to instructional staff who have been on the career ladder and met the movement requirements for one (1) year;

(ii) With four (4) or five (5) years of industry experience in a field closely related to the subjects they seek to teach shall be placed in an equivalent cell to instructional staff who have been on the career ladder and met the movement requirements for two (2) years;

(iii) With six (6) or seven (7) years of industry experience in a field closely related to the subjects they seek to teach shall be placed in an equivalent cell to instructional staff who have been on the career ladder and met the movement requirements for three (3) years; and

(iv) With eight (8) or more years of industry experience in a field closely related to the subjects they seek to teach shall be placed in an equivalent cell to instructional staff who have been on the career ladder and met the movement requirements for four (4) years; and

(b) Existing career technical education instructional staff on the residency compensation rung shall have their placement updated consistent with the provisions of paragraph (a) of this subsection if the update would result in a rung higher than their current placement.

(67) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for career technical education instructional staff holding an occupational specialist certificate in the area for which they are teaching in the amount of three thousand dollars (\$3,000), which shall be designated for career technical education staff and included as part of their salary.

(78) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for instructional staff and pupil service staff holding a professional or an advanced professional endorsement who have acquired additional education and meet the professional or advanced professional compensation rung performance criteria. In determining the additional education allocation amount, only transcribed credits and degrees on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by a body recognized by the state board of education or credits earned through an internship or work experience approved by the state board of education, shall be allowed. All credits and degrees earned must be in a relevant pedagogy or content area as determined by the state department of education. Additional education allocation amounts are not cumulative. Instructional staff whose initial

certificate is an occupational specialist certificate shall be treated as BA degree-prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education allocation. Additional education allocations are:

(a) For instructional staff and pupil service staff holding a professional or an advanced professional endorsement, a baccalaureate degree and twenty-four (24) or more credits, two thousand dollars (\$2,000) per fiscal year.

(b) For instructional staff and pupil service staff holding a professional or an advanced professional endorsement and a master's degree, three thousand five hundred dollars (\$3,500) per fiscal year.

(c) Effective July 1, 2020, the allocation shall be:

Base Allocation	1	2	3	4	5
Residency	\$40,000	\$40,500	\$41,000		
Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000
Advanced Professional	\$52,000				

(d) Effective July 1, 2021, the allocation shall be:

Base Allocation	1	2	3	4	5
Residency	\$40,369	\$40,990	\$41,611		
Professional	\$42,991	\$44,836	\$46,681	\$48,526	\$50,370
Advanced Professional	\$52,734	\$53,207			

(e) Effective July 1, 2022, the allocation shall be:

Base Allocation	1	2	3	4	5
Residency	\$40,742	\$41,486	\$42,231		
Professional	\$43,488	\$45,302	\$47,116	\$48,930	\$50,743
Advanced Professional	\$53,478	\$54,442	\$55,389		

(f) Effective July 1, 2023, the allocation shall be:

Base Allocation	1	2	3	4	5
Residency	\$41,118	\$41,988	\$42,860		
Professional	\$43,990	\$45,773	\$47,555	\$49,337	\$51,119
Advanced Professional	\$54,233	\$55,705	\$57,165	\$58,613	

(g) Effective July 1, 2024, the allocation shall be:

Base Allocation	1	2	3	4	5
Residency	\$41,500	\$42,500	\$43,500		
Professional	\$44,500	\$46,250	\$48,000	\$49,750	\$51,500
Advanced Professional	\$55,000	\$57,000	\$59,000	\$61,000	\$63,000

(89) Effective July 1, 2025, the educator salary-based apportionment program compensation rung cell amounts shall be adjusted by an amount equivalent to the salary-based apportionment adjustment for administrative and classified staff positions.

(910) A review of a sample of evaluations completed by administrators shall be conducted annually to verify such evaluations are being conducted with fidelity to the state framework for teaching evaluation, including each domain and identification of which domain or domains the administrator is focusing on for the instructional staff or pupil service staff member being evaluated, as outlined in administrative rule. The review shall be completed prior to November 1 of each year. The state board of education shall randomly select a sample of administrators throughout the state. A portion of such administrators' instructional staff and pupil service staff employee evaluations shall be independently reviewed. The ratio of instructional staff evaluations to pupil service staff evaluations shall be equal to the ratio of the statewide instructional staff salary allowance to pupil service staff salary allowance. The state board of education, with input from the Idaho-approved teacher preparation programs and the state department of education, shall identify individuals and a process to conduct the reviews. Administrator certificate holders shall be required to participate in ongoing evaluation training pursuant to section 33-1204, Idaho Code. School districts and public charter schools found to have not conducted the evaluations with fidelity to the state framework for teaching evaluation shall not be eligible to receive the leadership premium distribution pursuant to section 33-1002(2), Idaho Code. The state board of education shall report annually the findings of such reviews to the senate education committee, the house of representatives education committee, the state board of education and the deans of Idaho's approved teacher preparation programs. The state board of education shall promulgate rules implementing the provisions of this subsection.

(101) School districts shall submit annually to the state the data necessary to determine if an instructional staff or pupil service staff member has met the performance criteria for movement on the applicable compensation rung. Such data shall include the individuals' performance on each of the performance criteria as defined in section 33-1001, Idaho Code, including the percentage of students meeting their measurable student achievement and student success indicator targets. The department of education shall calculate whether or not instructional staff and pupil service staff have met the compensation rung performance criteria based on the data submitted during the previous five (5) years. Individually identifiable performance evaluation ratings submitted to the state remain part of the employee's personnel record and are exempt from public disclosure pursuant to section 74-106, Idaho Code.

SECTION 17. That Chapter 62, Title 33, Idaho Code, as enacted by Section 1, Chapter 328, Laws of 2020, be, and the same is hereby amended to read as follows:

CHAPTER 623
EXTENDED EMPLOYMENT SERVICES PROGRAM

33-~~6201~~6301. DEFINITIONS. As used in this chapter:

- (1) "Board" means the state board of education.
- (2) "Disability" means a developmental disability as defined in 45 CFR 1325.3 or a learning disability, mental illness, or traumatic brain injury as defined in board rule.
- (3) "Division" means the division of vocational rehabilitation.

(4) "Extended employment services" or "EES" means long-term maintenance services that assist participants in maintaining employment or gaining employment skills in preparation for community employment or that provide assistance to adult participants within an industry or a business setting or a community rehabilitation program intended to maintain paid employment. Extended employment services include individual supported employment, group community-based supported employment, and work services.

(5) "Group community-based supported employment" means self-employment or paid employment that is:

(a) For a group of no more than eight (8) participants who are paid at least minimum wage and who, because of their disabilities, need ongoing support to maintain employment;

(b) Conducted in a variety of community and industry settings where the participants have opportunities to interact with coworkers or others without known paid work supports at least to the extent that those opportunities typically exist in that work setting;

(c) Supported by training and supervision needed to maintain that employment; and

(d) Not conducted in the work services area of a provider.

(6) "Individual community-supported employment" means self-employment or paid employment:

(a) For which a participant is paid a competitive wage;

(b) For which the participant, because of the participant's disability, needs ongoing support to maintain the employment;

(c) That is conducted in a community or industry setting where persons without known paid work supports are employed; and

(d) Is supported by authorized activities needed to sustain paid work by persons with disabilities, including but not limited to supervision, training, and transportation.

(7) "Individual program plan" means a plan for extended employment services appropriate for an individual participant based on the participant's needs and personal goals.

(8) "Participant" means a person eligible for and enrolled in the extended employment services program established pursuant to section ~~33-6202~~6302, Idaho Code.

(9) "Program" means the extended employment services program established pursuant to section ~~33-6202~~6302, Idaho Code.

(10) "Provider" means a community rehabilitation program services provider approved by the division to provide extended employment services.

(11) "Work services" means activities, typically conducted on provider premises, intended to assist participants in understanding the value and demands of work and developing functional capacities that increase or maintain the skill sets of participants to achieve and maintain employment.

~~33-6202~~6302. PROGRAM ESTABLISHED. (1) There is hereby established in the board an extended employment services (EES) program for the purpose of increasing employment opportunities for program participants. The program shall be administered by the division. Extended employment services offered under the program are separate and apart from any federal program but may be collaborative with and supportive of federal programs. Administrative costs charged to the EES program shall be limited, subject to federal indirect cost rate matching requirements, and subject to audit and review.

(2) Program services shall be:

(a) Provided when eligible individuals do not have access to comparable services or have fully utilized comparable services for which they are eligible; and

(b) Separate and apart from and delivered subsequent to vocational rehabilitation services as defined in 29 U.S.C. 705(40), provided by the division.

~~33-6203~~6303. ELIGIBILITY. (1) A person is eligible to participate in the program if the person:

- (a) Has a disability that constitutes a barrier to maintaining paid employment without long-term vocational support;
- (b) Is sixteen (16) years of age or older; and
- (c) Is an Idaho resident.

(2) The division may periodically review a participant's eligibility and service level need for the program.

~~33-6204~~6304. COVERED SERVICES -- INDIVIDUAL PROGRAM PLAN. (1) Subject to available funding, the program shall provide the following services to participants, as appropriate:

- (a) Individual community-supported employment;
- (b) Group community-based supported employment; and
- (c) Work services.

(2) The services provided to a participant shall be based on the participant's individual program plan, as developed according to board rule.

~~33-6205~~6305. EES PROVIDERS -- REQUIREMENTS -- REVOCATION OF APPROVAL -- AGREEMENT REVIEW. (1) The division shall approve any person or entity before such person or entity may provide extended employment services under the program. The division shall enter an agreement with each program provider. The agreement shall specify:

- (a) Requirements for the provider;
- (b) Services to be offered by the provider;
- (c) Scope of work under the agreement;
- (d) Service fees; and
- (e) Other terms, conditions, and provisions as determined by the division and agreed to by the provider.

(2) The division may terminate or revoke the approval status and discontinue authorizing or purchasing services from providers for actions in violation of the agreement or rules promulgated by the board.

(3) A provider agreement shall be reviewed annually and is subject to revision as required by the division in cooperation with providers.

~~33-6206~~6306. PROGRAM IMPLEMENTATION. The board is hereby authorized to take such actions as are necessary to implement the provisions of this chapter, including promulgation of necessary rules.

SECTION 18. That Section 39-118E, Idaho Code, be, and the same is hereby amended to read as follows:

39-118E. SMALL BUSINESS ASSISTANCE. The department shall implement a small business assistance program as required in 42 U.S.C. 7661Aa.

SECTION 19. That Section 39-4429, Idaho Code, be, and the same is hereby amended to read as follows:

39-4429. BOOKS AND RECORDS TO BE PRESERVED -- ENTRY AND INSPECTION BY DEPARTMENT OF ENVIRONMENTAL QUALITY. Every person or entity subject to the imposition of the fees specified in section 39-4427, Idaho Code, shall keep complete and accurate records, including itemized invoices and manifests for federally regulated types and quantities of hazardous waste ultimately disposed of at a hazardous waste facility or site in Idaho. All books, documents and papers, computer tapes, discs, and other records required to be kept by this section shall be preserved for a period of at least five (5) years from the date of the records or the date of the entries appearing in the records, unless the department in writing, authorized their destruction or disposal at an earlier date. For purposes of this chapter, at any time during

usual business hours, the department or duly authorized agents or employees, may enter any place of business of the owner or operator of a hazardous waste facility or site where hazardous wastes are disposed and inspect the premises, the records required to be kept under this chapter, and the hazardous wastes or other chemicals contained therein, to determine whether or not all the applicable provisions of sections 39-4427 and 39-4428, Idaho Code, are being fully complied with. Trade secret information obtained by the department under the provisions of this section shall be treated in the same manner as such information obtained under section 39-4411, Idaho Code. If the department, or any of its authorized agents or employees is unreasonably denied free access or is unreasonably hindered or interfered with in making the examination of a hazardous waste facility or site, that hindrance or interference shall constitute grounds for suspension or revocation of the facility's or the site's permit by the director of the department of environmental quality under subsection ~~(b)~~ (A) (2) of section 39-4413, Idaho Code.

SECTION 20. That Section 39-5204, Idaho Code, be, and the same is hereby amended to read as follows:

39-5204. COMPOSITION. The council shall consist of seven (7) members appointed by the governor. At least one (1) member shall reside in each of the ~~seven~~ ~~(7)~~ substate regions established pursuant to section 39-104, Idaho Code. Members shall ~~be representative of~~ represent persons who ~~have been~~ are victims of domestic violence, care providers, law enforcement officials, medical and mental health personnel, counselors, and interested and concerned members of the general public.

SECTION 21. That Section 39-5608, Idaho Code, be, and the same is hereby amended to read as follows:

39-5608. LIABILITY OF ACTIONS UNDER THIS CHAPTER. (1) The participant, his designee, or legal representative, if such is responsible, shall be liable for any acts of the participant performed or committed while receiving care or services under the provisions of this chapter.

(2) The department shall not be held liable for any actions under this chapter, except pursuant to section 39-5603(132), Idaho Code, when the representative of the department is acting on behalf of the participant, his designee, or legal representative; however, the provisions of section 39-5603(110), Idaho Code, shall remain in force.

(3) Nothing in this chapter shall exempt the provider of services from any liability caused by such provider's negligence, abuse, or other improper action ~~of the provider~~.

SECTION 22. That Section 39-5803, Idaho Code, be, and the same is hereby amended to read as follows:

39-5803. DEFINITIONS. As used in this chapter:

(1) "Panel" means the site review panel created in section 39-5811~~2~~, Idaho Code.

(2) "Committee" means the state hazardous waste management planning committee created in section 39-5805, Idaho Code.

(3) "Department" means the department of environmental quality.

(4) "Designated facility" means a hazardous waste treatment, storage or disposal facility ~~which~~ that has received a permit or has interim status under title II of the solid waste disposal act or has a permit from the state authorized under section 3006 of title II of the solid waste disposal act (~~42 U.S.C.A. section 3006~~ U.S.C. 6926).

(5) "Director" means the director of the department of environmental quality.

(6) "Disposal" is defined in section 39-4403, Idaho Code.

(7) "Disposal facility" means a facility or a part of a facility at which managed hazardous waste, as defined by rule, is intentionally placed into or on any land or water and at which hazardous waste will remain after closure.

(8) "Generator" is defined in section 39-4403, Idaho Code.

(9) "Hazardous waste" is defined in section 39-4403, Idaho Code.

(10) "Hazardous waste management" is defined in section 39-4403, Idaho Code.

(11) "On-site" means on the same or geographically contiguous property which that may be divided by a public or private right-of-way if the entrance and exit between the pieces of property are at a crossroads intersection and access is by crossing rather than going along the right-of-way. Noncontiguous pieces of property owned by the same person but connected by a right-of-way which that the owner controls and to which the public does not have access is also considered on-site property.

(12) "Operator" means the person responsible for the overall operation of a disposal, treatment or storage facility with approval of the director either by contract or permit.

(13) "Person" is defined in section 39-4403, Idaho Code.

(14) "Plan" means the state hazardous waste management plan prepared under the provisions of section 39-5806, Idaho Code.

(15) "Storage" is defined in section 39-4403, Idaho Code.

(16) "Storage facility" means a facility or part of a facility at which managed hazardous waste, as defined by rule and regulation, is subject to storage.

(17) "Title II of the solid waste disposal act" means sections 1001 through 8006 of public law 89-272, 42 U.S.C. 6901, 6902 through 6910, 6912 through 6940, and 6942 through 6986.

For purposes of this chapter, words and phrases defined in section 39-4403, Idaho Code, shall carry the same meaning when used in this chapter unless the context clearly denotes otherwise.

SECTION 23. That Section 39-6104, Idaho Code, be, and the same is hereby amended to read as follows:

39-6104. INCORPORATION BY REFERENCE. P.L. 103-416, amended by P.L. 107-273, November 2, 2002, 8 U.S.C. 1184(1) and 22 CFR ~~see. 514.44~~ 41.63(e), F.R. volume 60, No. 197, 8 CFR ~~see. 214.12~~, 8 CFR ~~see. 245~~ and 18 U.S.C. 1001 are incorporated by reference.

SECTION 24. That Section 39-7904, Idaho Code, be, and the same is hereby amended to read as follows:

39-7904. SITE APPROVAL REQUIRED -- SITE APPROVAL IS SUPPLEMENTAL -- LOCAL OPTION -- LOCAL ACTION REQUIRED FOR DEPARTMENT ACTION. (1) No person may construct or expand a large swine facility regulated by this chapter without first obtaining site approval from the director as provided in this chapter.

(2) The site approval required by this chapter for construction or expansion of a large swine facility is required in addition to requirements of any rules of the department. Further, the site approval required by this chapter must be obtained in addition to any other license, permit or approval required by law or rule.

(3) This chapter does not preempt the local regulation of swine facilities. This chapter provides boards of county commissioners and governing bodies of cities with an optional procedure for siting swine facilities. If boards of county commissioners and governing bodies of cities do not exercise their option to comply with this chapter, they are not subject to its provisions and may exercise individual authority to accept, regulate or reject swine facilities independently of this chapter.

(4) This chapter applies only if the board of county commissioners or governing body of a city, whichever has jurisdiction over the site for a proposed swine facility, chooses to comply with this chapter. If a board of county commissioners or a governing body of a city with jurisdiction chooses not to comply with this chapter, the department is not required to take any action under this chapter.

(5) Boards of county commissioners and governing bodies of cities that choose to comply with this chapter shall signify compliance by resolution or ordinance communicated to the director in writing.

(6) If a board of county commissioners or a governing body of a city chooses to comply with this chapter, the department does not have to issue a determination or notice of environmental suitability of facility location pursuant to its rules for swine facilities, IDAPA ~~16-01-09~~ 58.01.09.

SECTION 25. That Section 39-7910, Idaho Code, be, and the same is hereby amended to read as follows:

39-7910. DUTIES OF THE DIRECTOR RELATIVE TO APPLICATIONS. (1) Upon determination that a siting application is complete, the director shall:

(a) Notify the permanent panel members, the city and/or county in which the swine facility site is located, the director of the department of fish and game, the director of the ~~department of law enforcement~~ Idaho state police, and other state agencies as deemed appropriate by the director.

(b) Publish a notice that the application has been received, as provided in section 60-109, Idaho Code, in a newspaper having major circulation in the county and the immediate vicinity of the site. The notice shall contain a map indicating the location of the site, a description of the proposed action and the location where the application may be reviewed. The notice shall describe the procedure by which the siting approval under this chapter may be granted.

(2) Upon notification by the director, the chairman shall immediately notify the representatives of the state to the panel and the public members. The chairman shall also notify the applicable county and city for their appointment of members as provided in subsection (2) of section 39-7908, Idaho Code. Within thirty (30) days after the notification, the board of commissioners of the county and the city council shall select the members to serve on the panel. The panel shall be created at that time and notification of the creation of the panel shall be made to the chairman.

(3) Within thirty (30) days after appointment of panel members, the panel shall meet to review and establish a timetable for the consideration of the draft site approval.

(4) The panel shall:

(a) Set a date and arrange for publication of notice of a public hearing, in a newspaper having major circulation in the vicinity of the proposed site, at its first meeting. The public notice shall:

(i) Contain a map indicating the location of the site and proposed facility, a description of the proposed action, and the location where the application for a siting approval may be reviewed and where copies may be obtained;

(ii) Identify the time, place and location for the public hearing held to receive public comment and input on the application for a siting approval;

(b) Publish the notice not less than thirty (30) days before the date of the public hearing, and the notice shall be, at a minimum, a twenty (20) days' notice as provided in section 60-109, Idaho Code.

(5) Comment and input on the proposed siting of the swine facility may be presented orally or in writing at the public hearing, and shall continue to be accepted in writing by the panel for thirty (30) days after the public hearing date. The public hearing shall be held in the same county as the proposed site. If the proposed site is adjacent to a city or populated area in a neighboring county, it is recommended that public hearings also be held in the neighboring county.

(6) The panel shall consider, but not be limited to, the following:

(a) The risk of the spread of disease or impact upon public health from improper treatment, storage or incineration methods;

(b) The impact on local units of government where the proposed swine facility is to be located in terms of health, safety, cost and consistency with local planning and existing development;

(c) The nature of the probable environmental and public health impact;

(d) The financial capability of the applicant to construct, operate and close the swine facility; and

(e) Impact on adjacent property values.

(7) The panel shall consider the concerns and objections submitted by the public. The panel shall facilitate efforts to provide that the concerns and objections are mitigated by proposing additional conditions regarding the construction of the swine facility. The panel may propose conditions ~~which~~ that integrate the provisions of the city or county ordinances, permits or requirements.

(8) Within one hundred eighty (180) days after creation, the panel shall issue an approval letter, approval letter with conditions, or rejection. If the panel recommends conditions, a clear statement of the need for a condition must be submitted to the director. If the panel recommends rejection, a clear statement of the reasons for the rejection must be submitted to the director.

(9) The director shall not issue a permit to operate under IDAPA ~~16-01-09~~ 58.01.09, unless a site has been approved by the site review panel. Approval of a site by the panel does not require the director to issue a permit to operate under IDAPA ~~16-01-09~~ 58.01.09.

SECTION 26. That Section 41-2006, Idaho Code, be, and the same is hereby amended to read as follows:

41-2006. PUBLIC EMPLOYEE GROUPS. The lives of a group of individuals may be insured under a policy issued to the departmental head or to an association of public employees formed for purposes other than obtaining insurance and having, when the policy is placed in force, a membership in the classes eligible for insurance of not less than ~~seventy-five per cent~~ percent (75%) of the number of employees eligible for membership in such classes, which association or departmental head shall be deemed the policyholder, to insure members of such association or public employees for the benefit of persons other than the departmental head, the association or any of its officials, subject to the following requirements:

(1) The persons eligible for insurance under the policy shall be all of the members of the association or employees of the department, or all of any class or classes thereof determined by conditions pertaining to their employment, or to their membership in the association, or both.

(2) The premium for the policy shall be paid by the policyholder, either from the association's own funds, or from charges collected from the insured members or employees specifically for the insurance, or from both. Any charges collected from the insured members or employees specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be collected through deductions by the employer from salaries of the members or employees. Such deductions from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed in force unless and until at least seventy-five ~~per cent~~ percent (75%) of the then-eligible members of the association or employees of the department, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make the required deductions from salary.

(3) Charges collected from the insured members or employees specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be determined according to each attained-age group or in not less than four (4) reasonably spaced attained-age groups. In no event shall the rate of such dues or charges be level for all members or employees regardless of attained age.

(4) The policy must cover at least five (5) persons at the date of issue.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members, the employees, or by the association. Such amounts shall in no event exceed three thousand dollars (\$3,000) in the case of any member or employee, and shall not exceed five hundred dollars (\$500) in the case of retired members or employees and members or employees over age sixty-five (65) years.

(6) As used herein, "employees" means employees of the United States government, or of any state, or of any political subdivision or instrumentality of any of them.

(7) Groups heretofore or hereafter written under section ~~59-1201~~ 67-5763, Idaho Code, are not subject to this section.

SECTION 27. That Section 41-2804, Idaho Code, be, and the same is hereby amended to read as follows:

41-2804. INCORPORATION. (1) This section applies to stock and mutual insurers hereafter incorporated in this state.

(2) Incorporators. Seven (7) or more individuals who are citizens of this state may incorporate a stock insurer; ten (10) or more of such individuals may incorporate a mutual insurer.

(3) Articles of incorporation. The incorporators shall prepare and execute in triplicate articles of incorporation in accordance with the applicable provisions of chapters 21 and ~~30~~ 29, title 30, Idaho Code, known as the "General Business Corporation" laws of this state, but subject to the following requirements:

(a) In addition to matters required or permitted under such general business corporation laws ~~which are~~ not inconsistent with this provision or this code, the articles of incorporation shall set forth:

(i) The name of the corporation, which shall comply with section 41-311, Idaho Code.

(ii) The kinds of insurance, as defined in this code, ~~which~~ that the corporation is formed to transact.

(iii) If a stock corporation, its authorized capital stock, the number of shares of stock into which divided and the par value of each such share, which par value shall be at least one dollar (\$1.00). Shares without par value shall not be authorized.

(iv) If a stock corporation, the extent, if any, to which shares of its stock are subject to assessment.

(v) If a mutual corporation, the maximum contingent liability of its members, for payment of losses and expenses incurred, other than as to nonassessable policies issued as permitted under section 41-2849, Idaho Code; such liability shall be as stated in the articles of incorporation, but shall not be less than one (1) nor more than six (6) annual premiums for the member's policy.

(vi) The name and residence address of each incorporator, and whether each such incorporator is a citizen of this state.

(b) Articles of incorporation shall be filed as provided in section 41-2805, Idaho Code.

SECTION 28. That Section 41-2870, Idaho Code, be, and the same is hereby amended to read as follows:

41-2870. DEFINITIONS. As used in this act:

(1) "Securities" means instruments as defined in section 28-8-102(1)(a), Idaho Code.

(2) "Clearing corporation" means a corporation as defined in section 28-8-102(3)(1)(e), Idaho Code.

(3) "Direct participant" means a national bank, state bank or trust company ~~which~~ that maintains an account in its name in a clearing corporation and through which an insurance company participates in a clearing corporation.

(4) "Federal reserve book-entry system" means the computerized systems sponsored by the United States department of the treasury and certain agencies and instrumentalities of the United States for holding and transferring securities of the United States government and such agencies and instrumentalities, respectively, in federal reserve banks through banks ~~which~~ that are members of the federal reserve system.

(5) "Member bank" means a national bank, state bank or trust company ~~which~~ that is a member of the federal reserve system and to which an insurance company participates in the federal reserve book-entry system.

SECTION 29. That Section 41-3354, Idaho Code, be, and the same is hereby amended to read as follows:

41-3354. ANCILLARY SUMMARY PROCEEDINGS. The director in his sole discretion may institute proceedings under sections 41-~~3339~~3309 through 41-3311, Idaho Code, at the request of the director or other appropriate insurance official of the domiciliary state of any foreign or alien insurer having property located in this state.

SECTION 30. That Section 41-3401, Idaho Code, be, and the same is hereby amended to read as follows:

41-3401. SCOPE OF CHAPTER. (1) This chapter shall apply to every individual, person, firm, corporation, association, or organization of any kind hereafter engaging or purporting to engage in the provision of all or part of any health care service, as hereinafter defined, for its subscribers in exchange for periodic prepayments in identifiable amount by or as to such subscribers.

(2) This chapter does not apply as to:

(a) Insurers or fraternal benefit societies authorized to transact the kind of insurance involved pursuant to other chapters of this code.

(b) Fraternal and other organizations exempted under section 41-~~3242~~3237, Idaho Code, from the provisions of chapter 32 ~~of this code~~, title 41, Idaho Code.

(c) Health care services provided by an employer to his employees and their dependents, with or without contribution to the costs thereof by such employees, through health care service facilities owned, employed, or controlled by the employers.

(d) Contracts between employers and physicians or hospitals, relative to the care and treatment of employees of such employers, which contracts are subject to the jurisdiction of the industrial commission of Idaho.

(e) Infrequent instances of prepayment by or for the patient direct to the licensee or hospital for specific services thereafter rendered to such patient by such licensee or hospital.

SECTION 31. That Section 41-3413, Idaho Code, be, and the same is hereby amended to read as follows:

41-3413. SERVICES AND BENEFITS WHICH MAY BE PROVIDED PROFESSIONAL SERVICE CORPORATIONS. (1) A professional service corporation shall have the right to provide to its subscribers part or all of the following services and benefits only:

(a) Professional services furnished to the subscriber by one (1) or more specified categories of participant licensees, as such categories are referred to in section 41-3403(9), Idaho Code, and subject to the requirements of section 41-3408(43), Idaho Code, (qualifications for authority) as to each such category;

(b) Indemnity in reasonable amounts with respect to professional services and drugs (under subscribers' contracts providing for services of participant licensee pharmacists) furnished to the subscriber by nonparticipant licensees of the same category or categories as participant licensees of the service corporation, but subject to section 41-3408(43), Idaho Code, (qualifications for authority);

(c) Indemnity in reasonable amounts with respect to hospital services furnished the subscriber while under the care and treatment of a licensee entitled to practice in such hospital;

(d) Indemnity in reasonable amounts with respect to appliances, prosthetics, and similar devices and replacements, and ambulance, x-ray, physiotherapy, and similar services; and

(e) Indemnity in reasonable amounts with respect to services rendered to the subscriber by licensees of a category or categories specified in the subscriber's contract including any category of licensee defined in section 41-3403(9), Idaho Code, or rendered by other persons specified in the subscriber's contract, duly licensed by the state to engage in any health care profession or practice. The portion of the total charges to subscribers for such coverage as is authorized by this ~~subsection (e)~~ paragraph shall not exceed one-third (1/3) of the total charges to all subscribers made by the service corporation for all services and benefits rendered in any calendar year.

(2) This section shall not be deemed to prohibit such a corporation from acting as compensated servicing agent as to health care services to be provided by any public agency, or under agreements between other parties not solicited by such corporation.

SECTION 32. That Section 41-3608, Idaho Code, be, and the same is hereby amended to read as follows:

41-3608. OBLIGATIONS AND POWERS OF ASSOCIATION. (1) The association shall:

(a) Be obligated to pay covered claims existing prior to the order of liquidation arising within thirty (30) days after the order of liquidation, or before the policy expiration date if less than thirty (30) days after the order of liquidation, or before the insured replaces the policy or causes its cancellation, if he does so within thirty (30) days of the order of liquidation. Such obligation shall be satisfied by paying to the claimant an amount as follows:

(i) The full amount of a covered claim for benefits under a worker's compensation insurance coverage;

(ii) An amount not exceeding ten thousand dollars (\$10,000) per policy for covered claim for the return of unearned premium;

(iii) An amount not exceeding three hundred thousand dollars (\$300,000) per claim for all other covered claims.

(b) In no event shall the association be obligated to pay a claimant an amount in excess of the obligation of the insolvent insurer under the policy or coverage from which the claim arises.

Notwithstanding any other provision of this chapter, a covered claim shall not include any claim filed with the association after the earlier of: (i) eighteen (18) months after the date of the order of liquidation, or (ii) the final date set by the court for the filing of claims against the liquidator or receiver of an insolvent insurer and shall not include any claim filed with the association or a liquidator for protection afforded under the insured policy for incurred-but-not-reported losses. Any obligation of the association to defend an insured shall cease upon the association's payment by settlement releasing the insured or on a judgment of an amount equal to the lesser of the association's covered claim obligation limit or the applicable policy limit.

(c) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent including, but not limited to, the right to pursue and retain salvage and subrogation recoverable on paid covered claim obligations.

(d) Assess member insurers separately for amounts necessary to pay the obligations of the association under paragraph (a) of this subsection subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency and other expenses authorized by this chapter. The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the calendar year preceding the assessment on the kinds of insurance covered by the account bears to the net direct written premiums of all member insurers for the calendar year preceding the assessment on the kinds of insurance covered by the account. Each member insurer shall be notified of the assessment not later than thirty (30) days before it is due. No member insurer may be assessed in any one (1) year an amount greater than one percent (1%) of that member insurer's net direct written premiums for the calendar year preceding the assessment. If the maximum assessment, together with the other assets of the association in the account, does not provide in any one (1) year an amount sufficient to make all necessary payments, the funds available shall be prorated and the unpaid portion shall be paid as soon thereafter as funds become available. The association shall pay claims in any order ~~which~~ that it deems reasonable, including the payment of claims as such are received from the claimants or in groups or categories of claims. The association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in

which the member insurer is authorized to transact insurance; provided, however, that during the period of deferment, no dividends shall be paid to shareholders or policyholders. Deferred assessments shall be paid when such payment will not reduce capital or surplus below required minimums. Such payments shall be refunded to those companies receiving larger assessments by virtue of such deferment, or at the election of any such company, credited against future assessments. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer if they are chargeable to the account.

(e) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims and may review settlements, releases and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which such settlements, releases and judgments may be properly contested. The association shall have the right to appoint or substitute and to direct legal counsel retained under liability insurance policies for the defense of covered claims.

(f) Handle claims through its employees or through one (1) or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the director, but such designation may be declined by a member insurer.

(g) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this chapter.

(2) The association may:

(a) Employ or retain such persons as are necessary to handle claims and perform other duties of the association.

(b) Borrow funds necessary to effect the purposes of this chapter in accord with the plan of operation.

(c) Sue or be sued, and such power to sue includes the power and right to intervene as a party before any court that has jurisdiction over the insolvent insurer as defined by this chapter.

(d) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this chapter.

(e) Perform such other acts as are necessary or proper to effectuate the purpose of this chapter.

(f) Refund to the member insurers in proportion to the contribution of each member insurer ~~that the amount which that~~, in the opinion of the board of directors, will not be needed for the purposes of this chapter within two (2) years from the date the association receives the refund from the receivership.

(g) Subject to approval by the director, provide claims handling services to any ~~run-off~~ runoff insurer, provided the association expenses related to such services are fully reimbursed. Normal defenses applicable to guaranty fund handling of covered claims shall not apply to ~~run-off~~ runoff claim handling and no guaranty fund assets shall be used for ~~run-off~~ runoff claim or expense payment. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer, the association or its agents or employees, the board of directors or any person serving as a representative of any director for any action taken or any failure to act by them in the performance of their activities under the provisions of this paragraph. For purposes of this paragraph, "~~run-off~~runoff insurer" means a property and casualty insurer that has:

(i) Total adjusted capital under risk-based capital requirements in an amount less than the authorized control level risk-based capital as defined in section 41-5401(143)(a), Idaho Code, and has indicated that it will cease writing new insurance policies, either as part of its corrective action plan or pursuant to being placed under regulatory control; or

(ii) Total adjusted capital under risk-based capital requirements in an amount less than the mandatory control level risk-based capital as defined in section 41-5401(143)(c), Idaho Code, and that has not been placed into liquidation pursuant to sections 41-3317 and 41-3318, Idaho Code.

SECTION 33. That Section 42-619, Idaho Code, be, and the same is hereby amended to read as follows:

42-619. ALTERNATE PLAN FOR PAYMENT OF DISTRICT EXPENSES -- TREASURER -- ELECTION -- OATH AND BOND -- REMOVAL -- COMPENSATION. (1) The county commissioners of any county, having determined that providing the service of payment of water district expenses by the county treasurer from water district funds pursuant to section 42-613(2), Idaho Code, is an undue burden upon the county and shall no longer be provided, shall notify the director of the department of water resources of this action by December 1 in the year preceding the year for which the action shall first be effective by providing to the director a certified copy of the resolution of the commissioners taking such action.

(2) Notice of the action of the county commissioners shall be given to the water users of the district by the department of water resources together with the notice of the annual meeting given pursuant to section 42-605, Idaho Code.

(3) At each annual meeting of a district for which the county commissioners have taken the action provided for in subsection (1) of this section, or for which the water users have taken the action provided for in section 42-613(3), Idaho Code, the water users shall provide for the election and appointment of a water district treasurer. If a water district treasurer is not elected at the annual meeting, and one is found to be necessary, the director of the department of water resources is authorized to appoint a water district treasurer and fix the treasurer's compensation. The water district treasurer shall keep a complete, accurate and permanent record of all moneys received by and disbursed for and on behalf of the district. The water district treasurer shall deposit all moneys of the district in a designated depository approved at the annual meeting and shall comply with the public depository law as contained in chapter 1, title 57, Idaho Code.

(4) Before undertaking the duties of the office, the water district treasurer shall take and subscribe to an oath before an officer authorized by the laws of the state to administer oaths, to faithfully perform the duties of the office, and shall file the oath with the director of the department of water resources. Upon issuance by the director of a certificate confirming the election or appointment of a water district treasurer, the actions taken by the water district treasurer in fulfillment of the duties of the office are covered by the state group surety bond as provided in sections 59-801 through 59-804, Idaho Code. A duly appointed treasurer that is reelected in consecutive years shall not be required to take and file additional oaths with the department of water resources for each consecutive year the treasurer is reelected.

(5) The water district treasurer shall serve until a successor is elected or appointed, and qualified. A water district treasurer may be removed from office by the director for failure to perform the duties of the office in the manner provided for removal of a watermaster as provided by section 42-605(9), Idaho Code.

(6) Compensation for the services of the water district treasurer shall be set at the annual meeting and may be established on a fixed-sum, per diem, or voluntary basis. If a water district treasurer is appointed by the director in the absence of being elected at the annual meeting, the director shall fix the compensation to be paid, if any.

(7) With respect to any district for which the county commissioners have taken the action provided for in subsection (1) of this section, or for which the water users have taken the action provided for in section 42-613(3), Idaho Code, the county auditor shall in the time and manner provided by section 63-1202, Idaho Code, transmit to the water district treasurer of the water district a settlement of all moneys belonging to such district paid into the county treasury and apportioned to such water district on or after the second Monday of the preceding month; provided, however, that in the months of July and January, the money may be transmitted no later than the 25th of the month. The treasurer of the water district shall immediately deposit the funds in the designated depository for the district.

(8) The treasurer of the water district shall disburse moneys from the water district account only upon submission of a written voucher approved by the watermaster for expenses incurred for water district purposes related to the delivery of water or by a voucher approved by the chairman of the advisory committee for activities pursuant to resolutions adopted by the water users from district funds or funds retained pursuant to section 42-613A, Idaho Code.

(9) It shall be the duty of the water district treasurer to prepare a statement of the financial affairs of the district at the end of each fiscal year and to file the statement with the director of the department of water resources. An audit of the financial affairs of the district shall be made as required in section 67-450B, Idaho Code. A certified copy of the audit shall be filed with the director of the department of water resources following the audit.

(10) In water districts with an annual budget of seven thousand five hundred dollars (\$7,500) or less, the water users may, by resolution adopted at the annual meeting, authorize the watermaster to serve as water district treasurer. Watermasters in water districts with annual budgets in excess of seven thousand five hundred dollars (\$7,500) shall not be authorized to act as water district treasurer.

SECTION 34. That Section 47-704, Idaho Code, be, and the same is hereby amended to read as follows:

47-704. LEASES OF MINERAL RIGHTS IN STATE LANDS. (1) The state board of land commissioners may lease in tracts of sizes as the board may deem fair for prospecting, exploration, and mining of mineral deposits, except for leases for oil, gas and other hydrocarbons that may be contained in any portion of the unsold lands of the state or that may be contained in state lands sold with a reservation of mineral deposits or that belong to the state of Idaho by reason of being situate between the high water marks of navigable rivers of the state, for such annual rental, not less than one dollar (\$1.00) per acre per annum, and for such royalty upon the product as the board may deem fair and in the interest of the state, except in the case of state oil and gas leases wherein the royalty to the state shall be not less than twelve and one-half percent (12 1/2%), and provided that the minimum royalty shall not be less than two and one-half percent (2 1/2%) and not more than market conditions.

(2) All mineral leases, except leases for oil, gas, and other hydrocarbons, and geothermal resources of state school lands and for lands belonging to the state of Idaho, shall be for a term of up to twenty (20) years and shall be continued if any of the following provisions are met:

- (a) Precious metals, minerals, mineral concentrates, mineral products, or ores are produced in paying quantities;
- (b) The lessee has negotiated and remitted a prepaid royalty no less than five dollars (\$5.00) per acre per year;
- (c) The lessee in good faith conducts exploration, prospecting, work, or mining operations thereon;
- (d) The mineral lease is undergoing a regulatory approval process for exploration, prospecting, or mining; or
- (e) The lessee conducts work on land adjacent or near the leased premises as a single mining operation, including construction of infrastructure associated with mining.

(3) Provided, that the leaseholder of any mineral lease except leases for oil, gas, and other hydrocarbons, and geothermal resources heretofore or hereafter issued, upon the expiration of the initial lease and all renewals thereof, shall be given the preferential right to renew such lease or renewal leases under such readjustment of the terms and conditions as the board may determine to be necessary in the interest of the state.

(4) All applications received, whether by mail or by personal delivery over the counter, shall be immediately stamped with the date and hour of filing. Simultaneous filings result when two (2) or more applications are received for the same lands during the same hour of the same day. Simultaneous filings shall be resolved by competitive bidding. This provision does not apply to applications received from an applicant having a preferential right under this section. In the absence of a simultaneous filing, and except for lands and resources which may be designated for competitive bidding, right of priority to a mineral lease shall be determined by the first qualified applicant who shall file a completed, signed application on the form of the department of lands or exact copy thereof between the hours of 8:00 a.m. and 5:00 p.m. during any business day, together with the application fee set by the board.

(5) Applications for mineral leases shall be made under oath in such form as the board may prescribe, and the applicant shall describe the land, specify the particular mineral or minerals, and give such additional information as may be required by the rules and regulations of the board. If the applicant for a lease has previously filed a certificate of location, as provided in section 47-703, Idaho Code, upon any part of the land desired to be leased, such application shall be given a preferential right to the land covered by his location; that no lands upon which a mineral location has been duly made and recorded as provided in section 47-703, Idaho Code, shall be leased for mining purposes during the two (2) year periods to any applicant except the person having made such location; provided, however, that no locations may be made for oil and gas deposits or lands, or for geothermal resources.

(6) Any motorized exploration as defined in section 47-703, Idaho Code, on the lands between the ordinary high water marks of any navigable river of the state shall be prohibited except upon written approval by the board and submission of a bond to the department in the form and amount set by the board; and, if applicable, an operator shall also comply with the Idaho dredge and placer mining protection act, chapter 13, title 47, Idaho Code; provided, that in all instances an operator shall comply with the stream protection act and all other applicable laws and rules of the state.

(7) Upon receipt by the state board of land commissioners of an application to lease any lands which may belong to the state of Idaho by reason of being situate between the high water marks of navigable rivers of the state, the board shall cause, at the expense of the applicant, a notice of such application to be published once a week for two (2) issues in a newspaper of general circulation in the county or counties in which said lands described in said application are situated. The board or its authorized representative shall hold a public hearing on the application, if requested in writing, no later than thirty (30) days after the last published notice by ten (10) persons whose lawful rights to use the waters applied for may be injured thereby, or by an association presenting a petition with signatures of not less than ten (10) such aggrieved parties; provided that the board may order a public hearing in the first instance. The board shall consider fully all written and oral submissions respecting the application.

(8) Provided, however, that the state board of land commissioners shall send notice of any such application for leasing the bed of navigable rivers to the director of the department of water resources, who, if the director thinks advisable, shall at the expense of the applicant make an investigation. If said investigation shows that the rights of interested parties may be jeopardized by the issuance of the proposed lease, the director shall give notice of such applications to parties affected thereby. If it shall appear to the state board of land commissioners that the leasing of any lands between the high water marks of any navigable river will be injurious to the rights of any person or persons having the right to the use of the waters thereof, for irrigation, power, or any other lawful purpose, the state board of land commissioners shall deny such application.

(9) Mineral leases granted according to this section, including but not limited to leases that have been awarded but not executed, shall comply with the following terms and conditions:

(a) After granting of a lease, no fees or payments shall be charged to lessees except for royalty payments, including prepaid and production, and rent per acre per annum.

(b) Rent per acre per annum may be indexed for inflation, but no more than three percent (3%) per annum. The rental paid shall be deducted from the royalties as they accrue for the life of the lease.

(c) No more than one (1) lease may be issued for the same mineral on the same land.

(d) Only one (1) lessee may hold multiple mineral leases on the same land.

(e) In the event of an exchange or sale involving leased lands, the purchaser shall accept and be assigned to perform the exact terms and conditions set forth in the lease as the lessor.

(f) The leaseholder demonstrates a mineral resource is present on the public lands using industry standard to estimate or project a mineral resource that is likely viable for future mineral development. The board shall recognize its role as a partner on behalf of state lands and provide confidentiality to the leaseholders regarding resource estimates that may be reported. If the leaseholder determines in the future to drop any mineral lease, the board may use this information for public consumption to encourage and support mineral development on those leases.

(g) No less than one hundred eighty (180) days prior to the expiration date of the mineral lease, lease terms and conditions shall be fairly modified and readjusted if needed. If an agreement cannot be reached, the lessor and lessee shall engage in good faith mediation. The lease shall remain in full force and effect during the mediation.

SECTION 35. That Section 49-402D, Idaho Code, be, and the same is hereby amended to read as follows:

49-402D. SPECIAL LICENSE PLATE PREQUALIFICATION PROCESS.

(1) (a) For any new special license plate program approved by the legislature, the program sponsor shall, before issuance of any such special license plate, meet the prequalification process outlined in this section. The program sponsor for any special plate program shall:

(~~a~~i) Submit a financial plan for the use of the proceeds from the special license plate sales and certify that all such proceeds shall be deposited in the highway distribution account, except with respect to any new special plate that may be established for the benefit of an Idaho college or university pursuant to section 49-418A, Idaho Code, or a military license plate; and

(~~b~~ii) Designate an individual who shall be deemed responsible by the agency for certifying compliance with the requirements of this section and working with the department.

(~~d~~b) The department is authorized and shall adopt and promulgate rules to carry out the provisions of this section.

(2) If the request for a special license plate is approved by the department, the following requirements, in addition to those set out in subsection (1) of this section, shall be met by September 1 prior to the next legislative session and prior to the issuance of any special license plates approved by the legislature.

(a) The applicant shall deposit estimated programming and administrative costs with the department to be utilized for programming costs of the specialty plate. Administrative costs in the amount of one thousand dollars (\$1,000) shall be nonrefundable.

(b) In addition to the requirements provided for in section 49-402C, Idaho Code, the applicant requesting a special license plate program shall provide to the department an acceptable plate design.

(c) The applicant shall transmit to the department a list of two hundred fifty (250) applicants, whose vehicles are currently registered in the state of Idaho, who intend to purchase the specialty plate when available, as evidenced by completing forms provided by the department.

(3) The department shall submit the completed applications for special license plate programs that meet the requirements of this section to the chairmen of the senate transportation committee and the house of representatives transportation and defense committee each year on behalf of the agency to be included for consideration in the next legislative session.

(4) On an annual basis, by December 1 of each calendar year, the sponsor of a special license plate program shall prepare an annual report, which shall be made available on request and shall be forwarded to the department. Such report shall include an accounting of revenues and expenditures associated with the funds collected for the special license plate program. The department shall compile and forward such reports to the chairmen of the senate transportation committee and the house of representatives transportation and defense committee by January 15 of each year. Failure of the agency to provide such report by the due date shall result in the discontinuation of the special license plate program sales on January 1. The provisions of this section shall exclude special plates established for the highway distribution account, an Idaho college or university pursuant to section 49-418A, Idaho Code, and military license plate programs.

(5) Any decision by the department that the special license plate program application does not meet the provisions of this section may be appealed to the director of the department. Such notice of appeal shall be made in writing within twenty (20) days of the notice of denial. For all denied applications, the department shall, at the next legislative session, report to the senate and house of representatives transportation committees on such denied applications and the reason for the denials.

SECTION 36. That Section 49-443, Idaho Code, be, and the same is hereby amended to read as follows:

49-443. LICENSE PLATES TO BE FURNISHED BY DEPARTMENT -- FORM AND CONTENTS. (1) The assessor or the department shall furnish to every owner whose vehicle is registered or licensed by that office, pursuant to sections 49-402 and 49-402A, Idaho Code, one (1) license plate for vehicles registered under the provisions of section 49-406, 49-406A or 49-408, Idaho Code, or a motorcycle, trailer, truck-tractor, or semitrailer; one (1) restricted vehicle license plate for all-terrain vehicles, utility type vehicles and motorbikes licensed pursuant to this chapter; and two (2) license plates for every other motor vehicle. If a vehicle is issued one (1) plate only, that plate shall be displayed in accordance with the provisions of section 49-428, Idaho Code. For vehicles registered under the provisions of section 49-407, Idaho Code, the applicant shall provide one (1) plate to be displayed on the rear of the vehicle.

Commencing January 1, 1992, the color and design of the plates shall be comparable to the color and design of the statehood centennial issue of license plates with blue numerals and letters on a multicolored red, white and blue background. Each license plate must bear upon its face the inscriptions "Famous Potatoes" and "Scenic Idaho." The restricted vehicle license plate for all-terrain vehicles, utility type vehicles and motorbikes shall be a white background with black numerals and letters, with "Idaho Restricted Vehicle" and the year of its expiration on its face and no other inscription. The restricted vehicle license plate shall be the same size required for the motorcycle license plate.

Every license plate shall have displayed upon it the registration number assigned to the vehicle and its owner and the name "Idaho," which may be abbreviated. The plates issued under the provisions of section 49-402(1), Idaho Code, and the required letters and numerals, including an identification of the county in which the motor vehicle to which the plates will be affixed is registered, shall be of sufficient size to be plainly readable from a distance of seventy-five (75) feet during daylight, and each license plate and registration sticker shall be treated with a fully reflectorized material according to specifications prescribed by the board.

(2) License plates shall be valid for a period of ten (10) years beginning with the date of issuance of new plates. At the end of the ninth year, the registered owner shall receive notice of the date upon which the plates will expire.

For specialty license plate programs discontinued pursuant to the provisions of section 49-402C, Idaho Code, a registrant with a specialty license plate currently registered under the program may use such license plate for up to ten (10) years from the date of issuance. This provision is intended to permit the use of the specialty plate by the registrant regardless of the number of persons who purchase the specialty plate. The registrant shall be required to pay the special plate program fees provided for specialty plates pursuant to this chapter. Such fees shall be deposited into the state highway account. For purposes of section 49-434, Idaho Code, as it applies to commercial vehicles, and section 49-435, Idaho Code, the department shall provide new plates bearing the same number or, upon request from the registered owner, the next available number.

(3) If a license plate number has expired as provided in subsection (2) of this section and is not renewed within sixty (60) days of its expiration, the plate number shall be available for use by another registrant. To obtain a specific number in the recycled license plate number file, the owner of a registered vehicle may contact the county regarding availability.

The provisions of this subsection shall apply only to vehicles registered under the provisions of section 49-402(1), Idaho Code, and section 49-434(1), Idaho Code, as it applies to noncommercial vehicles.

(4) License plates issued for vehicles required to be registered in accordance with the provisions of sections 49-402 and 49-402A, Idaho Code, shall be issued color-coded red, white or blue registration validation stickers showing the year of registration. Each registration validation sticker shall bear a number from 1 through 12, which number shall correspond to the month of the calendar year in which the registration of the vehicle expires and shall be affixed to the lower right-hand corner of the plates within the outlined rectangular area.

(5) License plates for utility trailers registered under the provisions of section 49-402A, Idaho Code, that are issued for five (5) or ten (10) years and license plates for rental utility trailers registered under the provisions of section 49-434, Idaho Code, that are issued for up to five (5) years shall use the design in effect on the date of manufacture. If a design change occurs, plates from the effective date of the design change shall be manufactured using the new design. Unexpired plates need not be reissued to conform to a design change.

(6) For license plates that are lost, stolen, mutilated, or illegible, the owner shall apply for a duplicate or substitute. The assessor shall also furnish for each registration, and to validate the license plate, a pressure-sensitive, uniquely numbered, color-coded red, white or blue registration sticker, except for trailers and semitrailers registered under the provisions in section 49-434, Idaho Code. License plates issued for state, county and city motor vehicles shall be valid for ten (10) years pursuant to subsection (2) of this section and remain on the vehicle for which issued from year to year, and need no renewal or validation sticker.

(7) Whenever a vehicle is completely destroyed by fire or accident and the operator submits satisfactory proof of that destruction to the department or appropriate assessor's office, or the owner wishes to transfer the remaining registration, use increment and fees shall be transferred to the replacement vehicle for a service transfer fee of five dollars (\$5.00), which fee shall be retained by the registering authority. None of the original fees shall be subject to refund.

(8) The department shall furnish a printed or an electronic copy of the registration card to every owner whose vehicle is registered under sections 49-434 and 49-435, Idaho Code. ~~Code.~~ Code.

(9) The board shall have authority to require the return to the department of all license plates and registration stickers upon termination of the lawful use of them by the owner.

(10) The board may promulgate such rules as are necessary to implement the provisions of this section.

SECTION 37. That Section 54-1116, Idaho Code, be, and the same is hereby amended to read as follows:

54-1116. DENIAL, SUSPENSION, OR REVOCATION OF LICENSES -- GROUNDS -- PROBATION. The board may refuse to issue or may refuse to renew or may suspend or may revoke any license, or may place the holder thereof on a term of probation, after proper hearing, upon finding that the holder of such license committed or is subject to any of the following acts or omissions:

(1) Conviction of a crime that reflects upon the qualifications, functions, or duties of the respective license. ~~that is deemed relevant in accordance with section 67-9411(1), Idaho Code~~

(2) Unprofessional conduct, which is hereby defined to include:

(a) Misrepresentation or fraud in the conduct of mortician or funeral director services;

(b) False or misleading advertising as the holder of a license for the practice of mortician or funeral director services; advertising or using the name of a person who is not an employee of the establishment in connection with that of any establishment;

(c) Solicitation of dead human bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs before death or after death; provided, that this shall not be deemed to prohibit general advertising;

(d) Employment by the licensee of persons known as "cappers," or "steerers," or "solicitors," or other such persons, to solicit or obtain agreements with the public for the performance of mortician services;

(e) Employment, directly or indirectly, of any resident trainee, agent, assistant, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular mortician, funeral director or establishment;

(f) The direct or indirect payment, or offer of payment, of a commission by the licensee, his agents, assistants, or employees for the purpose of securing business;

(g) Gross immorality;

(h) Aiding or abetting an unlicensed person to practice mortician or funeral director services;

(i) Using profane, indecent or obscene language in the presence of a dead human body, or within the immediate hearing of the family or relatives of a deceased whose body has not yet been interred or otherwise disposed of;

(j) Violation of any of the provisions of this chapter;

(k) Violation of any state law, or municipal or county ordinance, or rule authorized under this chapter affecting the handling, custody, care, processing or transportation of dead human bodies;

(l) Fraud or misrepresentation in obtaining or renewing a license;

(m) Refusing to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to the custody thereof;

(n) Solicitation or acceptance, directly or indirectly, of a request, before need, for an agreement to provide mortician services or funeral supplies at a price less than that offered by such person to others at time of need;

(o) Violation of any statutes of any state having to do with prearrangement or prefinancing of mortician services or funeral supplies; and

(p) Failing an inspection conducted by the board or the board's agent.

SECTION 38. That Section 54-4711, Idaho Code, be, and the same is hereby amended to read as follows:

54-4711. SUSPENSION AND REVOCATION. To protect the health, safety and welfare of the public, the board, in accordance with the requirements of chapter 52, title 67, Idaho Code, may refuse to issue or may refuse to renew a license, certification, or permit, or may suspend or revoke a license, certification, or permit, under such conditions as the board may require, if the applicant or holder of the license, certification, or permit has:

(1) Been convicted of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code; ~~that reflects on the qualifications, functions, or duties of an acupuncturist~~

(2) Obtained or attempted to obtain the issuance or renewal of a license, certification or permit pursuant to this chapter by means of fraud, misrepresentation or concealment of material facts;

(3) Engaged in the practice of acupuncture in a manner that does not meet the generally accepted standards for the practice of acupuncture within the state of Idaho;

(4) Failed to maintain the confidentiality of records or other information pertaining to an identifiable client, except as required or authorized by law;

(5) Engaged in any conduct that constitutes an abuse or exploitation of a client arising out of the trust and confidence placed in the acupuncturist by the client;

(6) Engaged in conduct that violates the provisions of this chapter, the rules of the board or the terms of any permit issued by the board;

(7) Failed to comply with a board order entered in a disciplinary matter;

(8) Had a license revoked or suspended or has been otherwise disciplined by the board or the proper authorities of another state, territory, or jurisdiction of the United States or another country; or

(9) Had a license or certification in a related field revoked or suspended or has been otherwise disciplined in Idaho or another state, territory, or jurisdiction of the United States or another country.

SECTION 39. That Section 54-5103, Idaho Code, be, and the same is hereby amended to read as follows:

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) (j1), Idaho Code.

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

SECTION 40. That Section 54-5408, Idaho Code, be, and the same is hereby amended to read as follows:

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

(a) Was convicted, found guilty, received a withheld judgment or suspended sentence in this or any other state of any action constituting a crime that reflects upon the qualifications, functions, or duties of a driving business or driving business instructor; ~~that is deemed relevant in accordance with section 67-9411(1), Idaho Code~~

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

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

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

(2) Every person or business subject to disciplinary proceedings shall be afforded an opportunity for hearing. All proceedings hereunder shall be in accordance with chapter 52, title 67, Idaho Code.

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

SECTION 41. That Section 67-1401, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

(5) To enforce the Idaho charitable solicitation act, chapter 12, title 48, Idaho Code; the Idaho nonprofit hospital sale or conversion act, chapter 15, title 48, Idaho Code; to supervise charitable organizations, as such term is defined in section 48-1903(4), Idaho Code; and to enforce whenever necessary any noncompliance or departure from the charitable purpose of such charitable organizations as set forth and provided in chapter 19, title 48, Idaho Code.

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

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

(8) To bid upon and purchase, when necessary, in the name of the state, and under the direction of the state controller, any property offered for sale under execution issued upon judgments in favor of or for the use of the state, and to enter satisfaction in whole or in part of such judgments as the consideration for such purchases.

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

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

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

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

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

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

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

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

(17) To respond to allegations of violation of state law by elected county officers, to investigate such claims, to issue appropriate findings and to refer such cases for further investigation and prosecution pursuant to section 31-2002, Idaho Code.

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

SECTION 42. That Chapter 93, Title 67, Idaho Code, as enacted by Section 1, Chapter 296, Laws of 2019, be, and the same is hereby amended to read as follows:

CHAPTER ~~93~~934
OCCUPATIONAL LICENSING REFORM ACT

~~67-9301~~9401. SHORT TITLE. This chapter shall be known and may be cited as the "Occupational Licensing Reform Act."

~~67-9302~~9402. 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~~9403. 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~~9404. 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~~9405. 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.

67-93069406. 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.

67-93079407. 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.

Approved May 10, 2021

CHAPTER 322
(S.B. No. 1063)

AN ACT

RELATING TO THE SECRETARY OF STATE; AMENDING SECTION 67-914, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE STORAGE OF CERTAIN RECORDS FILED WITH THE SECRETARY OF STATE.

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

SECTION 1. That Section 67-914, Idaho Code, be, and the same is hereby amended to read as follows:

67-914. RECORDS INFREQUENTLY USED HAVING OFFICIAL VALUE -- REMOVAL. The secretary of state may remove from the office of the secretary of state to any suitable place of storage any records filed with the secretary of state having an official value, but which are used infrequently, may, on order of the state board of examiners, be removed from the office of the secretary of state to any suitable place of storage.

Approved May 10, 2021

CHAPTER 323
(S.B. No. 1064)

AN ACT

RELATING TO ELECTION BALLOTS; AMENDING SECTION 34-1003, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ISSUANCE OF AN ABSENTEE BALLOT, TO REMOVE OBSOLETE LANGUAGE, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 34-1003, Idaho Code, be, and the same is hereby amended to read as follows:

34-1003. ISSUANCE OF ABSENTEE BALLOT. (1) Upon receipt of an application for an absent elector's ballot within the proper time, the county clerk receiving it shall examine the records of the county clerk's office to ascertain whether or not such applicant is registered and lawfully entitled to vote as requested and, if found to be so, the ~~elector~~ county clerk shall arrange for the applicant to vote by absent elector's ballot.

(2) In the case of requests for primary ballots:

(a) Except as provided in paragraph (b) of this subsection, an elector who has designated a political party affiliation shall receive a primary ballot for that political party.

(b) An elector who has designated a political party affiliation pursuant to section 34-404, Idaho Code, may receive the primary election ballot of a political party other than the political party such elector is affiliated with if such other political party has provided notification to the secretary of state that identifies the political party such elector is affiliated with, as provided for in section 34-904A(2)(b), Idaho Code.

(c) An "unaffiliated" elector shall receive the primary ballot for the political party ~~which~~ the elector designated in the elector's application for an absentee ballot pursuant to section 34-1002, Idaho Code. Provided however, that a political party's ballot shall not be provided to an "unaffiliated" elector where that political party has not elected to allow "unaffiliated" electors to vote in such party's primary election pursuant to section 34-904A, Idaho Code.

(d) If an "unaffiliated" elector does not indicate a choice of a political party's primary ballot, the elector shall receive a nonpartisan ballot.

(e) Once an absentee primary ballot is issued to an elector by the county clerk, the county clerk may not issue the same elector a new absentee primary ballot with a different party affiliation than the absentee ballot originally issued to the elector, unless the original absentee ballot type was issued in error by the county clerk.

(3) The absentee ballot may be delivered to the absent elector in the office of the county clerk, by postage prepaid mail or by other appropriate means, including use of a facsimile machine or other electronic transmission. Validly requested absentee ballots for candidates for federal office, where the request is received at least forty-five (45) days before an election, shall be sent no later than forty-five (45) days before that election to all electors who are entitled to vote by absentee ballot.

(4) Pursuant to the uniformed and overseas citizens absentee voting act (UOCAVA, 52 U.S.C. 20301 et seq., as amended) the secretary of state shall establish procedures for the transmission of blank absentee ballots by mail and by electronic transmission for all electors who are entitled to vote by absentee ballot under the uniformed and overseas citizens absentee voting act, and by which such electors may designate whether the elector prefers the transmission of such ballots by mail or electronically. If no preference is stated, the ballots shall be transmitted by mail. The secretary of state shall establish procedures for transmitting such ballots in a manner that shall protect the security and integrity of such ballots and the privacy of the elector throughout the process of transmission.

(5) A political party may supply a witness to accompany the clerk in the personal delivery of an absentee ballot. If the political party desires to supply a witness, it shall be the duty of the political party to supply the names of such witnesses to the clerk no later than forty-six (46) days prior to the election. The clerk shall notify such witnesses of the date and approximate hour the clerk or deputy clerk intends to deliver the ballot.

(6) A candidate for public office or a spouse of a candidate for public office shall not be a witness in the personal delivery of absentee ballots.

(7) An elector physically unable to mark such elector's own ballot may receive assistance in marking such ballot from the officer delivering same or an available person of the elector's own choosing. In the event the election officer is requested to render assistance in marking an absent elector's ballot, the officer shall ascertain the desires of the elector and shall vote the applicant's ballot accordingly. When such ballot is marked by an election officer, the witnesses on hand shall be allowed to observe such marking. No county clerk, deputy, or other person assisting a disabled voter shall attempt to influence the vote of such elector in any manner.

~~(8) Notwithstanding any other provision of this section, for any election that takes place prior to December 31, 2020, the following provisions shall apply:~~

~~(a) Validly requested absentee ballots by uniformed and overseas voters, pursuant to the uniformed and overseas citizens absentee voting act, where the request is received at least forty five (45) days before an election, shall be sent no later than forty five (45) days before that election; and~~

~~(b) For any other validly requested absentee ballots that are received at least thirty (30) days before an election by electors who are entitled to vote by absentee ballot and are not within the provisions of paragraph (a) of this subsection, such ballots shall be sent no later than thirty (30) days before the election.~~

Approved May 10, 2021

CHAPTER 324
(S.B. No. 1065)

AN ACT

RELATING TO NOTARIES PUBLIC; AMENDING SECTION 59-1019, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE USE OF CERTAIN FACSIMILE SIGNATURES.

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

SECTION 1. That Section 59-1019, Idaho Code, be, and the same is hereby amended to read as follows:

59-1019. FACSIMILE SIGNATURE.

(1) (a) Any authorized officer, after filing with the secretary of state his manual signature certified by him under oath, may execute or cause to be executed with a facsimile signature in lieu of his manual signature:

(ai) Any public security, provided that at least one (1) signature required or permitted to be placed thereon shall be manually subscribed, and

(bii) Any instrument of payment.

(b) Upon compliance with this act by the authorized officer, his facsimile signature has the same legal effect as his manual signature.

(2) (a) The governor, after filing with the secretary of state his manual signature certified by him under oath, may execute or cause to be executed with a facsimile signature in lieu of his manual signature:

(ai) All instruments, documents, and papers requiring his signature ~~which~~ that originate with the state board of land commissioners or department of public lands, except deeds of the public lands of the state; and

(bii) All instruments, documents, and papers acted upon by the state board of examiners; ~~and~~

~~(c) All instruments, documents and papers relating to appointment and commissioning of notaries public.~~

(b) Upon compliance with this act by the governor, his facsimile signature has the same legal effect as his manual signature.

Approved May 10, 2021

CHAPTER 325
(S.B. No. 1067)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 33-511, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION TO DISCONTINUE A SCHOOL AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-702A, IDAHO CODE, TO REVISE PROVISIONS REGARDING A DECLARATION OF INTENT FOR WRITE-IN CANDIDATES; AMENDING SECTION 34-1401, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1702, IDAHO CODE, TO REVISE PROVISIONS REGARDING RECALL PETITIONS; AMENDING SECTION 34-1703, IDAHO CODE, TO REVISE PROVISIONS REGARDING INFORMATION ON RECALL PETITIONS; AMENDING SECTION 34-1704, IDAHO CODE, TO REVISE PROVISIONS REGARDING RECALL PETITION PROCEDURES; AMENDING SECTION 34-1706, IDAHO CODE, TO REVISE PROVISIONS REGARDING RECALL PETITIONS; AMENDING SECTION 34-1707, IDAHO CODE, TO REVISE PROVISIONS REGARDING RECALL PETITIONS; AMENDING SECTION 34-1709, IDAHO CODE, TO REVISE A PROVISION REGARDING SPECIAL RECALL ELECTION RESULTS; AMENDING SECTION 34-1714, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROHIBITED ACTS; AMENDING SECTION 34-1715, IDAHO CODE, TO REVISE PROVISIONS REGARDING RECALL PETITIONS; AMENDING SECTION 42-4204, IDAHO CODE, TO REVISE PROVISIONS REGARDING AQUIFER RECHARGE DISTRICT ELECTIONS; AMENDING SECTION 50-403, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ADMINISTRATION OF ELECTION LAWS; AND AMENDING SECTION 50-418, IDAHO CODE, TO REVISE PROVISIONS REGARDING INITIATIVE AND REFERENDUM ELECTIONS.

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

SECTION 1. That Section 33-511, Idaho Code, be, and the same is hereby amended to read as follows:

33-511. MAINTENANCE OF SCHOOLS. The board of trustees of each school district shall have the following powers and duties:

(1) Each elementary school district shall maintain at least one (1) elementary school, and each other school district shall maintain at least one (1) elementary school and one (1) secondary school;

(2) To employ necessary help and labor to maintain and operate the schools of the district;

(3) To discontinue any school within the district whenever it shall find such discontinuance to be in the best interests of the district and of the pupils therein. For the purposes of this section, discontinuing a school shall mean no longer maintaining a school of any kind, at the same location, except in the case of secondary units as herein provided.

(a) When any school proposed to be discontinued is one which was operated and maintained by a former district now wholly incorporated within the boundaries of the district operated by said board of trustees, and, immediately following reorganization and the dissolution of said former district, such school has been continuously operated and maintained at the same location by the presently organized district, the following procedures shall apply before discontinuing a school:

(i) The board of trustees must first give notice of such proposal not later than the first day of ~~July~~ June next preceding the date of the proposed discontinuance. Such notice shall be posted, and published once, in the manner provided in section 33-402, Idaho Code, and shall identify the school proposed to be discontinued.

(ii) If, not later than the first day of ~~August~~ July following the posting and publishing of the notice of discontinuance, five (5) or more qualified school district electors residing within the school district shall petition the board of trustees for an election to be held within the school district on the question of discontinuance of that school, the board of trustees shall ~~forthwith~~ immediately order an election to be held ~~within fourteen (14) on the first available election date provided by section 34-106(7), Idaho Code, that is at least fifty (50) days of~~ following the date of said order and shall give notice of the election.

(iii) Notice of such election shall be posted at or near the main door of the school proposed to be discontinued and at or near the main door of the administrative offices of the school district and shall also be published in one (1) issue of a newspaper printed in the county in which is situate the school proposed to be discontinued. The notice shall state the date the election is to be held, the place of voting, and the hours between which the polls shall be open. In addition, the notice of election shall describe the area of the particular attendance unit of the school district and shall identify the school proposed to be discontinued; and it shall state that only qualified school district electors residing within the school district may vote on the question of discontinuing the school.

(iv) The election shall be held within the school district and there shall be submitted to the electors a ballot containing the proposal:

1. For discontinuing the school located at....,
2. Against discontinuing the school located at.....

(v) If a majority of the qualified electors, as defined in this section and voting in the election, shall vote against discontinuing that school, then said school shall not be discontinued; and no proposal to discontinue the same school shall be made by the board of trustees of the district within nine (9) months after the date of the election.

(vi) If a secondary unit which the trustees of a district propose to close is more than thirty (30) miles by all-weather road from the attendance unit to which it is proposed to transfer such students, then, notwithstanding other provisions of this section, five (5) electors residing within the attendance area of the unit proposed to be closed may, as provided by this section, petition the board of trustees requesting an election to determine whether or not such attendance unit, or any portion of it, shall be closed. The board shall ~~forthwith~~ immediately call and hold an election as herein provided. However, for the purpose of this section relating to the secondary attendance unit thirty (30) miles or more distant from another secondary attendance unit, only the patrons resident in this attendance area shall be eligible to vote, except for attendance units, or portions of them, created after January 1, 2002, in which case qualified school district electors throughout the school district shall be eligible to vote. The election shall be deemed passed and the unit shall not be closed if a majority of those voting in the election vote in favor of retaining the attendance unit.

(b) The provisions of paragraph (a) of this subsection shall not apply when:

- (i) The administrator of the division of building safety has determined that the school constitutes an imminent public safety hazard and has issued an order or notice requiring the school district superintendent, principal, board member or other person in charge to cause all persons, except those necessary to eliminate the condition, to be withdrawn from, and to be restrained from entering the school, pursuant to section 39-8008, Idaho Code; and
- (ii) The school district board of trustees have voted at a public meeting to discontinue the school.

SECTION 2. That Section 34-702A, Idaho Code, be, and the same is hereby amended to read as follows:

34-702A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATES. (1) No write-in vote for any office in a primary, special, or general election shall be counted unless a declaration of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of said office if elected. The declaration of intent shall be filed with the secretary of state if for a federal, state, or legislative district office and with the county clerk if for a county or party precinct committeeman office. Such declaration of intent shall be filed no later than the eighth Friday before the day of election. The secretary of state shall prescribe the form for said declaration.

(2) In those counties which utilize optical scan ballots, an elector shall not place on the ballot a sticker bearing the name of a person, or use any other method or device, except writing, to vote for a person whose name is not printed on the ballot.

SECTION 3. That Section 34-1401, Idaho Code, be, and the same is hereby amended to read as follows:

34-1401. ELECTION ADMINISTRATION. (1) Notwithstanding any provision to the contrary, the county clerk shall administer all elections on behalf of any political subdivision, subject to the provisions of this chapter, including all special district elections and elections of special questions submitted to the electors as provided in this chapter. Water districts governed by chapter 6, title 42, Idaho Code, recreational water and/or sewer districts as defined in section 42-3202A, Idaho Code, ~~ground water~~ aquifer recharge districts governed by chapter 42, title 42, Idaho Code, ground water management districts governed by chapter 51, title 42, Idaho Code, ground water districts governed by chapter 52, title 42, Idaho Code, and irrigation districts governed by title 43, Idaho Code, are exempt from the provisions of this chapter. Municipal elections shall be conducted under the provisions of this chapter except for the specific provisions of chapter 4, title 50, Idaho Code. All school district and highway district elections shall be conducted pursuant to the provisions of this chapter 14, title 34, Idaho Code. All highway district and school district elections shall be administered by the clerk of the county wherein the district lies. Elections in a joint school district or other political subdivisions that extend beyond the boundaries of a single county shall be conducted jointly by the clerks of the respective counties, and the clerk of the home county shall exercise such powers as are necessary to coordinate the election. "Home county" shall be defined as the county in which the business office for the district or political subdivision is located.

(2) For the purposes of achieving uniformity, the secretary of state shall, from time to time, provide directives and instructions to the various county clerks. Unless a specific exception is provided in this chapter, the provisions of this chapter shall govern in all questions regarding the conduct of elections on behalf of all political subdivisions. In all matters not specifically covered by this chapter, other provisions of title 34, Idaho Code, governing elections shall prevail over any special provision which conflicts therewith.

(3) The county clerk shall conduct the elections for political subdivisions and shall perform all necessary duties of the election official of a political subdivision including, but not limited to, notice of the filing deadline, notice of the election, and preparation of the election calendar.

SECTION 4. That Section 34-1702, Idaho Code, be, and the same is hereby amended to read as follows:

34-1702. REQUIRED SIGNATURES ON PETITION. A petition for recall of an officer shall be instituted by filing with the appropriate official a verified written petition requesting such recall.

(1) If the petition seeks recall of any of the officers named in subsection (1) (a) of section 34-1701, Idaho Code, the petition shall be filed with the secretary of state, and must be signed by registered electors equal in number to twenty percent (20%) of the number of electors registered to vote at the last general election held to elect a governor.

(2) If the petition seeks recall of any of the officers named in subsection (1) (b) of section 34-1701, Idaho Code, the petition shall be filed with the secretary of state, and must be signed by registered electors of the legislative district equal in number to twenty percent (20%) of the number of electors registered to vote at the last general election held in the legislative district at which the member was elected.

(3) If the petition seeks recall of any of the officers named in subsection (2) (a) of section 34-1701, Idaho Code, the petition shall be filed with the county clerk, and must be signed by registered electors of the county equal in number to twenty percent (20%) of the number of electors registered to vote at the last general election held in the county for the election of county officers at which the officer was elected.

(4) If the petition seeks recall of any of the officers named in subsection (3) of section 34-1701, Idaho Code, the petition shall be filed with the ~~city~~ county clerk, and must be signed by registered electors of the city equal in number to twenty percent (20%) of the number of electors registered to vote at the last general city election held in the city for the election of officers. If the city is located in two (2) or more counties, the clerk in each county shall perform the functions within that county as provided in section 34-1401, Idaho Code.

(5) If the petition seeks recall of any of the officers named in subsection (4) of section 34-1701, Idaho Code, the petition shall be filed with the county clerk of the county wherein the district is located. If the district is located in two (2) or more counties, the clerk in each county shall perform the functions within that county. The petition must be signed by registered electors of the district or school trustee zone equal in number to fifty percent (50%) of the number of electors who cast votes in the last election of the district or school trustee zone. If no district election has been held in the last six (6) years, the petition must be signed by twenty percent (20%) of the number of electors registered to vote in the district or school trustee zone at the time the petition is filed.

SECTION 5. That Section 34-1703, Idaho Code, be, and the same is hereby amended to read as follows:

34-1703. FORM OF PETITION. (1) The recall petition for state officers other than members of the state legislature shall be in substantially the following form:

RECALL PETITION

To the Honorable...., Secretary of State for the State of Idaho:

We, the undersigned citizens and registered electors of the State of Idaho respectfully demand that...., holding the office of...., be recalled by the registered electors of this state for the following reasons (setting out the reasons for recall in no more than 200 words):

that a special election therefor be called; that we, each for himself say: I am a registered elector of the State of Idaho; my residence, address including city county, and the date I signed this petition are correctly written after my name.

Signature	Printed Name	Residence	<u>City County</u>	Date
		Street and Number		

(Here follow no more than twenty numbered lines for signatures.)

(2) The recall petition for members of the state legislature shall be in substantially the following form:

RECALL PETITION

To the Honorable...., Secretary of State for the State of Idaho:

We, the undersigned citizens and registered electors of Legislative District No....., respectfully demand that...., holding the office of...., be recalled by the registered electors of Legislative District No..... for the following reasons (setting out the reasons for recall in no more than 200 words):

that a special election therefor be called; that we, each for himself say: I am a registered elector of Legislative District No....., my residence, address including city county, and the date I signed this petition are correctly written after my name.

Signature	Printed Name	Residence	<u>City County</u>	Date
		Street and Number		

(Here follow no more than twenty numbered lines for signatures.)

(3) The recall petition for county officers shall be in substantially the following form:

RECALL PETITION

To the Honorable...., County Clerk for the County of.....:

We, the undersigned citizens and registered electors of the County of....., respectfully demand that...., holding the office of....., of the County of....., be recalled by the registered electors of the County of..... for the following reasons (setting out the reasons for recall in no more than 200 words):

that a special election therefor be called; that we, each for himself say: I am a registered elector of the County of...., my residence, address including city county, and the date I signed this petition are correctly written after my name.

Signature	Printed Name	Residence	<u>City County</u>	Date
		Street and		
		Number		

(Here follow no more than twenty numbered lines for signatures.)

(4) The recall petition for city officers shall be in substantially the following form:

RECALL PETITION

To the Honorable...., City County Clerk for the City County of....:

We, the undersigned citizens and registered electors of the City of...., respectfully demand that...., holding the office of...., of the City of...., be recalled by the registered electors of the City of.... for the following reasons (setting out the reasons for recall in no more than 200 words):

that a special election therefor be called; that we, each for himself say: I am a registered elector of the City of...., my residence, address including city county, and the date I signed this petition are correctly written after my name.

Signature	Printed Name	Residence	<u>City County</u>	Date
		Street and		
		Number		

(Here follow no more than twenty numbered lines for signatures.)

(5) The recall petition for special district officers shall be in substantially the following form:

RECALL PETITION

To the Honorable...., County Clerk of the County of....:

We, the undersigned citizens and registered electors of (here insert the official name of the district), respectfully demand that...., holding the office of..., of the (district), be recalled by the registered electors of the (district) for the following reasons (insert the reasons for the recall in two hundred (200) words or less):

that a special election therefor be called, that we, each for himself say: I am a registered elector of the (district), my residence, address including city county, and the date I signed this petition are correctly written after my name.

Signature	Printed Name	Residence	<u>City County</u>	Date
		Street and		
		Number		

(Here follow no more than twenty numbered lines for signatures.)

SECTION 6. That Section 34-1704, Idaho Code, be, and the same is hereby amended to read as follows:

34-1704. PRINTING OF PETITION AND SHEETS FOR SIGNATURES -- TIME LIMITS FOR PERFECTING PETITION. (1) Before or at the time of beginning to circulate any petition for the recall of any officer subject to recall, the person or persons, or organization or organizations under whose authority the recall petition is to be circulated, shall send or deliver to the secretary of state, or county clerk, ~~or city clerk,~~ as the case may be, a copy of a prospective petition duly signed by at least twenty (20) electors eligible to sign such petition. The receiving officer shall immediately examine the petition and specify the form and kind and size of paper on which the petition shall be printed and circulated for further signatures. All petitions and signature sheets for recall shall be printed on a good quality bond paper of standardized size in substantial conformance within the provisions of section 34-1703, Idaho Code. To every sheet of petitioners' signatures shall be attached a full and correct copy of the recall petition.

(2) The secretary of state, or county clerk, ~~or city clerk,~~ as the case may be, shall indicate in writing on the prospective recall petition that he has approved it as to form and the date of such approval. Upon approval as to form, the secretary of state, or county clerk, ~~or city clerk,~~ shall inform the person or persons, or organization or organizations under whose authority the recall petition is to be circulated, in writing, that the petition must be perfected with the required number of signatures within seventy-five (75) days following the date of approval as to form. Signatures on the prospective petition shall not be counted toward the required number of signatures. Any petition that does not contain the required number of signatures within the seventy-five (75) days allowed shall be declared null and void ab initio in its entirety.

SECTION 7. That Section 34-1706, Idaho Code, be, and the same is hereby amended to read as follows:

34-1706. EXAMINATION AND CERTIFICATION OF SIGNATURES. All petitions with attached signature sheets shall be filed on the same day with the secretary of state, or county clerk, ~~or city clerk,~~ as the case may be. The secretary of state ~~or the city clerk~~ shall promptly transmit the petitions and attached signature sheets to the appropriate county clerks. An examination to verify whether or not the petition signers are qualified electors shall be conducted by the county clerk and a certificate shall be attached to the signature sheets as provided in section 34-1807, Idaho Code. This examination shall not exceed fifteen (15) business days from the date of receipt of the petitions.

SECTION 8. That Section 34-1707, Idaho Code, be, and the same is hereby amended to read as follows:

34-1707. SUFFICIENCY OF PETITION -- NOTIFICATION -- EFFECT OF RESIGNATION -- SPECIAL ELECTION. (1) In the event that a petition filed with the secretary of state is found by the secretary of state to contain the required number of certified signatures, the secretary of state shall promptly provide written notice to the officer being recalled and the petitioner that the recall petition is in proper form. If the officer being recalled is the secretary of state, the governor shall also be notified.

(a) If the officer being recalled resigns his office within five (5) business days after notice from the secretary of state, his resignation shall be accepted and the resignation shall take effect on the day it is offered, and the vacancy shall be filled as provided by law.

(b) If the officer being recalled does not resign his office within five (5) business days after notice from the secretary of state, a special election shall be ordered by the secretary of state, unless he is the officer being recalled, in which event the governor shall order such special election. The special election must be held on the date prescribed in section 34-106, Idaho Code. If the officer being recalled is one (1) specified in section 34-1701(1) (a), Idaho Code, the special election shall be conducted statewide. If the officer being recalled is one (1) specified in section 34-1701(1) (b), Idaho Code, the special election shall be conducted only in the legislative district.

(2) In the event that a petition filed with the county clerk is found by the county clerk to contain the required number of certified signatures, the county clerk shall promptly provide written notice to the officer being recalled and the petitioner that the recall petition is in proper form. If the officer being recalled is the county clerk, the secretary of state shall also be notified.

(a) If the officer being recalled resigns his office within five (5) business days after notice from the county clerk, his resignation shall be accepted and the resignation shall take effect on the day it is offered, and the vacancy shall be filled as provided by law.

(b) If the officer being recalled does not resign his office within five (5) business days after notice from the county clerk, a special election shall be ordered by the county clerk, unless the county clerk is the officer being recalled, in which event the secretary of state shall order the special election. The special election must be held on the date prescribed in section 34-106, Idaho Code. The special election shall be conducted countywide.

(3) In the event that a petition filed with the county clerk concerning the recall of an official of a ~~local government office~~ city or special district is found by the county clerk to contain the required number of certified signatures, the county clerk shall promptly provide written notice to the officer being recalled, the petitioner, and the governing board ~~responsible for the local government official, if any,~~ of the city or special district that the recall petition is in proper form.

(a) If the officer being recalled resigns his office within five (5) business days after notice from the county clerk, his resignation shall be accepted and the resignation shall take effect on the day it is offered, and the vacancy shall be filled as provided by law.

(b) If the officer being recalled does not resign his office within five (5) business days after notice from the county clerk, a special election shall be ordered by the county clerk. The special election must be held on the date prescribed in section 34-106, Idaho Code. The election shall be conducted by the county clerk in the manner provided in section 34-1401, Idaho Code.

(4) In the event that a petition is found not to have the required number of signatures, the officer shall continue in office and no new recall petition may be circulated for a period of ninety (90) days against the same officer.

SECTION 9. That Section 34-1709, Idaho Code, be, and the same is hereby amended to read as follows:

34-1709. OFFICER TO CONTINUE IN OFFICE. The officer named in the recall petition shall continue to perform the duties of his office until the results of the special recall election are officially declared proclaimed.

SECTION 10. That Section 34-1714, Idaho Code, be, and the same is hereby amended to read as follows:

34-1714. PROHIBITED ACTS -- PENALTIES. (1) A person is guilty of a felony~~7~~ who:

- (a) Signs any name other than his own to any recall petition;
- (b) Knowingly signs his name more than once on the same recall petition;
- (c) Knowingly signs his name to any recall petition for the recall of any state, county, ~~or city,~~ or special district officer if he is not a registered elector;
- (d) ~~Wilfully~~ Willfully or knowingly circulates, publishes or exhibits any false statement or representation concerning the contents, purport or effect of any recall petition for the purpose of obtaining any signature to any such petition, or for the purpose of persuading any person to sign any such recall petition;
- (e) Presents to any officer for filing any recall petition to which is attached, appended or subscribed any signature which the person so filing such petition knows to be false or fraudulent, or not the genuine signature of the person purporting to sign such petition, or whose name is attached, appended or subscribed thereto;
- (f) Circulates or causes to circulate any recall petition, knowing the same to contain false, forged or fictitious names;
- (g) Makes any false affidavit concerning any recall petition or the signatures appended thereto;
- (h) Offers, proposes or threatens for any pecuniary reward or consideration:
 - (i) To offer, propose, threaten or attempt to sell, hinder or delay any recall petition or any part thereof or any signatures thereon;
 - (ii) To offer, propose or threaten to desist from beginning, promoting or circulating any recall petition;
 - (iii) To offer, propose, attempt or threaten in any manner or form to use any recall petition or any power of promotion or opposition in any manner or form for extortion, blackmail or secret or private intimidation of any person or business interest.

(2) A public officer is guilty of a felony~~7~~ who: ~~(a) Knowingly~~ makes any false return, certification or affidavit concerning any recall petition, or the signatures appended thereto.

SECTION 11. That Section 34-1715, Idaho Code, be, and the same is hereby amended to read as follows:

34-1715. REFUSAL TO ACCEPT PETITION -- MANDATE -- INJUNCTION. If the secretary of state~~7~~ or county clerk~~7~~ ~~or city clerk~~, refuses to accept and file any petition for the recall of a public officer with the requisite number of eligible signatures, any citizen may apply within ten (10) business days after such refusal to the district court for a writ of mandamus to compel him to do so. If it shall be decided by the court that such petition is legally sufficient, the secretary of state~~7~~ or county clerk~~7~~ ~~or city clerk~~ shall then accept and file the recall petition, with a certified copy of the judgment attached thereto, as of the date on which it was originally offered for filing in his office, except that the time limitations required by section 34-1704(2), Idaho Code, shall begin to run only as of the date of the court judgment, which shall be so stated in the judgment. On a showing that the petition is not legally sufficient, the court may enjoin the secretary of state~~7~~ or county clerk~~7~~ ~~or city clerk~~ and all other officers from certifying or printing any official ballot for a recall election. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party may appeal to the court of appeals within ten (10) business days after a decision is rendered. The district court of the state of Idaho in and for Ada County shall have jurisdiction in all cases involving the recall of state officers.

SECTION 12. That Section 42-4204, Idaho Code, be, and the same is hereby amended to read as follows:

42-4204. BOARD OF DIRECTORS -- COMPOSITION -- APPOINTMENT OF FIRST BOARD -- ELECTION OF SUBSEQUENT BOARDS. (1) The board of directors of the aquifer recharge district shall consist of five (5) members. Each member shall be a water user, or representative of a water user within the district. The members of the board shall be as follows:

(a) One (1) member shall be a member of a lateral ditch water user's association, canal company, irrigation district or similar organization;

(b) One (1) member shall be an owner or operator of a commercial fish hatchery licensed in accordance with the provisions of section 22-4602, Idaho Code;

(c) One (1) member shall be a farmer or rancher who is an appropriator of groundwater and whose diversion thereof is accomplished primarily through the operation of a well or wells;

(d) One (1) member shall be a member of the city council of a municipality within the district; and

(e) One (1) member shall be generally representative of the interests of water users within the district.

(2) The first board of directors shall be appointed by the director of the department of water resources. Water users within the district, or groups thereof, may submit to the director, or the director may solicit therefrom, the names of qualified individuals to be considered for appointment to the board.

(3) The term of office of the directors shall be determined by lot so that three (3) members shall serve for a term of two (2) years and two (2) members shall serve for a term of one (1) year. Thereafter, members shall serve two (2) year terms and shall be elected as hereinafter provided in this section.

(4) On the first Tuesday in February following the expiration of the term of those members serving for one (1) year, and on the first Tuesday in February of each year thereafter, an election shall be held in accordance with the provisions of chapter 14, title 34, Idaho Code, at which directors to succeed those whose terms have expired will be elected. Each director so elected shall possess the qualifications required of all members of the board and in addition shall possess the qualifications of the director whom he is to succeed in office.

(5) In any election for director, if, after the deadline for filing a declaration of intent as a write-in candidate, it appears that only one (1) qualified candidate has been nominated for a director's position, it shall not be necessary for the candidate to stand for election, and the board of ~~trustees~~ directors of the district shall declare such candidate elected as director, and the secretary of the district shall immediately make and deliver to such person a certificate of election.

SECTION 13. That Section 50-403, Idaho Code, be, and the same is hereby amended to read as follows:

50-403. SUPERVISION OF ADMINISTRATION OF ELECTION LAWS BY COUNTY CLERK. (1) For each city, the county clerk of the county is the chief elections officer and shall exercise general supervision of the administration of the election laws in the city for the purpose of achieving and maintaining a maximum degree of correctness, impartiality, efficiency and uniformity. The county clerk shall meet with and issue instructions to election judges and clerks prior to the opening of the polls to ensure uniformity in the application, operation and interpretation of the election laws during the election.

(2) Elections in a city located in more than one (1) county shall be conducted jointly by the clerks of the respective counties, as provided in section 34-1401, Idaho Code.

SECTION 14. That Section 50-418, Idaho Code, be, and the same is hereby amended to read as follows:

50-418. INITIATIVE AND REFERENDUM ELECTIONS. Initiative and referendum elections shall be governed by the provisions of chapter 18, title 34, Idaho Code, and ~~chapter 5, title 50, Idaho Code,~~ except as those provisions are specifically modified by this chapter.

Approved May 10, 2021

CHAPTER 326
(S.B. No. 1075)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 3, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-358, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A KINDERGARTEN JUMP-START PROGRAM.

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

SECTION 1. That Chapter 3, 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 33-358, Idaho Code, and to read as follows:

33-358. KINDERGARTEN JUMP-START PROGRAM -- PARENT TRAINING. (1) A school district that offers a kindergarten screener in the spring for children who will enter kindergarten in the fall may use existing funds to establish up to a four (4) week kindergarten jump-start program for children whose score on the screener indicates that they are not ready for kindergarten.

(2) A school district offering a kindergarten jump-start program pursuant to this section must also offer a training program for parents on actions and activities that parents can do that are associated with student success. For a child to be eligible for the kindergarten jump-start program, the child's parent must attend the training described in this subsection.

Approved May 10, 2021

CHAPTER 327
(S.B. No. 1105)

AN ACT

RELATING TO BONDS AND LEVIES; AMENDING SECTION 63-803, IDAHO CODE, TO REVISE PROVISIONS REGARDING BOND AND LEVY INFORMATION TO BE PROVIDED BY TAXING UNITS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 63-902, IDAHO CODE, TO REVISE PROVISIONS REGARDING BOND AND LEVY INFORMATION ON PROPERTY TAX NOTICES AND TO PROVIDE CORRECT CODE REFERENCES.

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

SECTION 1. 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~~ on 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~~ its 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 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~~ that 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.

(5) At the time of certifying to the county commissioners the amount required from a property tax under subsection (3) of this section, any taxing district with one (1) or more voter-approved bonds and levies shall submit to the appropriate county tax collector the expiration date of each voter-approved bond and levy applicable to the taxing district.

SECTION 2. That Section 63-902, Idaho Code, be, and the same is hereby amended to read as follows:

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

- (a) The year in which the property tax was levied;
- (b) The name and address of the property owner;
- (c) An accurate description of the property or, in lieu thereof, the tax number of record;
- (d) The parcel number;
- (e) Full market value for assessment purposes;
- (f) The total amount of property taxes due:
 - (i) State;
 - (ii) County;
 - (iii) City;
 - (iv) School district separately shown as:
 - (A) Maintenance and operation;
 - (B) Bond;
 - (C) Supplemental;
 - (D) Other;
 - (v) And every other tax being separately shown.
- (g) All property tax levies in the tax code area;
- (h) The expiration dates of any bond and voter-approved levy all bonds and levies approved by voters at an election for each taxing district as defined in section 63-3101, Idaho Code, submitted to the tax collector pursuant to section 63-803(5), Idaho Code;
- (i) The date when such property taxes become delinquent;
- (j) Notation of delinquencies against said property;
- (k) Whether an interim payment account exists;
- (l) The different payment options available to the taxpayer, his agent or representative shall be printed in boldface type in a contrasting color or highlighted on the face of the tax notice; and
- (m) The total amount of property taxes for the previous tax year ~~and~~ .

(~~n~~2) The information required by ~~paragraph (i)~~ subsection (1)(h) of this subsection may be satisfied if the county treasurer provides an annual insert with the tax notice or a link on the tax notice to the county website where the information required by ~~paragraph (i)~~ subsection (1)(h) of this subsection can be accessed. Such information must be archived on the county website. In addition to including the link to the county website, the county treasurer may also include on the tax notice a quick response code to access the information required by ~~paragraph (i)~~ subsection (1)(h) of this subsection.

(23) The tax notices shall be numbered consecutively and the numbers must be entered upon all property rolls.

(34) Tax notices prepared in tax code area format shall state that levy sheets are available to the public.

(45) Levy sheets shall list the total property tax levy for each taxing district or taxing jurisdiction and the total in each tax code area.

(56) If the taxpayer is one other than the equitable titleholder, such as an escrowee, trustee of trust deed or other third party, the taxpayer shall deliver to the equitable titleholder a statement of the total amount of property taxes billed, on or before the second Monday of December.

(67) The tax collector in each county of the state is authorized to destroy all duplicate property tax receipts and microfilm of tax receipts on file in his office as they reach ten (10) years old. Property tax receipts may be destroyed if information has been replicated in other storage media.

(78) Computer and data processing routines for completion of all phases of the property tax roll procedures may be utilized with the responsibility for completion of each office's statutory duties to remain under the supervision of that office. Wherever the designation "property roll" appears within title 63, Idaho Code, data processing or computer procedures and forms may be substituted as permanent records.

(89) The county tax collector must, as soon as possible after the subsequent or missed property roll is delivered to him from the county auditor, mail or transmit electronically, if electronic transmission is requested by the taxpayer, a notice to every taxpayer listed on the subsequent or missed property roll, or to his agent or representative. The notice shall conform as nearly as possible to the notice required for property listed on the property roll.

(910) Failure to mail or transmit electronically, if electronic transmission is requested by the taxpayer, such property tax notice, or receipt of said notice by the taxpayer, shall not invalidate the property taxes, or any proceedings in the collection of property taxes, or any proceedings in the foreclosure of property tax liens.

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

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

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

CHAPTER 328
(S.B. No. 1178)

AN ACT

RELATING TO PARI-MUTUEL BETTING; AMENDING SECTION 54-2512, IDAHO CODE, TO PROVIDE FOR THE RETENTION OF A PERCENTAGE OF ADVANCE DEPOSIT WAGERING MONEYS BY THE IDAHO STATE RACING COMMISSION FOR RACING ADMINISTRATION; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 54-2512, Idaho Code, be, and the same is hereby amended to read as follows:

54-2512. PARI-MUTUEL BETTING -- OTHER BETTING ILLEGAL. (1) Any licensee conducting a race meet under this chapter may provide a place or places in the race meet grounds or enclosure at which such licensee may conduct and supervise the use of the pari-mutuel system by patrons on the result of the races conducted by such licensee at such race meet and, upon written application by a licensee and approval by the commission, on the result of simulcast and/or televised races. The commission shall issue no more than one (1) license to simulcast per live race meet licensee and there shall be no more simulcasting sites in the state than there are licensed live race meet sites.

(2) Licenses authorizing simulcast and/or televised races will be regulated by the commission, in addition to its other responsibilities, for the purpose of enhancing, promoting, and protecting the live race industry in the state of Idaho. No license authorizing simulcasting and/or televised races shall be issued to or renewed for persons that are not also licensed to conduct live race meets in the state of Idaho. Persons applying for a simulcast and/or televised race license shall have an agreement reached voluntarily or pursuant to binding arbitration in conformance with chapter 9, title 7, Idaho Code, with a horsemen's group as the term "horsemen's group" is defined in section 54-2502, Idaho Code. The agreement shall address, but not be limited to, number of live race days and percentage of the live race and simulcast handle that is dedicated to the live horse race purse structure. In addition, the agreement shall provide that all simulcast purse moneys that are accrued as required by the horsemen's agreement be held in the simulcast purse moneys fund created pursuant to the provisions of section 54-2508, Idaho Code. Race days agreed upon shall be submitted to the Idaho racing commission for its approval.

(3) Upon written application by a live horse race licensee and approval by the Idaho state racing commission, a license may be issued to conduct and supervise the use of the pari-mutuel system by patrons on the result of simulcast and/or televised races in a facility not located on the grounds of a live horse race meet facility, but within the county that the live horse race facility is located, subject to the following restrictions:

(a) In addition to the distribution and payment of the handle as described in section 54-2513, Idaho Code, a licensee operating under a license described in this subsection shall pay to the Idaho state racing commission for deposit in the live horse race purse distribution fund, a minimum of one percent (1%) of the gross daily receipts from simulcast and/or televised races. The Idaho state racing commission shall distribute the moneys from the live horse race purse distribution fund to those live horse race licensees that ran less than fifteen (15) live race days during the preceding calendar year. The distribution shall be made by dividing the total number of live race days of all of the qualified live horse racetracks combined into the moneys collected by the

fund in any one (1) calendar year and by multiplying the result by the number of days run by each of the respective live horse racetracks individually; and

(b) Additionally, the licensee shall pay to the Idaho state racing commission a minimum of one percent (1%) of the gross daily receipts from simulcast and/or televised races conducted pursuant to the race purse distribution fund to the licensee whose license is being utilized to conduct simulcast and/or televised races pursuant to this section. These moneys shall be used by the licensee solely for live horse race meet purses; and

(c) Approval must be obtained from the board of county commissioners; and

(d) A license to conduct and supervise the use of the pari-mutuel system by patrons on the result of simulcast and/or televised races issued pursuant to this section may be leased to another person or entity but only with the approval of the Idaho state racing commission. A lessee of such a license shall be held by the Idaho state racing commission to the same standards as the original licensee.

(4) Upon written application by a live horse race licensee and approval by the Idaho state racing commission, a license may be issued to conduct and supervise the use of the pari-mutuel system by patrons on the result of simulcast and/or televised races in a facility located in another county within the state other than the county where the licensee's live racetrack facility is located subject to the following restrictions:

(a) In addition to the distribution and payment of the handle as described in section 54-2513, Idaho Code, a licensee operating under a license described in this subsection shall pay to the Idaho state racing commission for deposit in the live horse race purse distribution fund, a minimum of one percent (1%) of the gross daily receipts from simulcast and/or televised races. The Idaho state racing commission shall distribute the moneys from the live horse race purse distribution fund to those live horse race licensees that ran less than fifteen (15) live race days during the preceding calendar year. The distribution shall be made by dividing the total number of live race days of all of the qualified live horse racetracks combined into the moneys collected by the fund in any one (1) calendar year and by multiplying the result by the number of days run by each of the respective live horse racetracks individually; and

(b) Additionally, the licensee shall pay to the Idaho state racing commission a minimum of one percent (1%) of the gross daily receipts from simulcast and/or televised races conducted pursuant to the live horse race purse distribution fund to the licensee whose license is being utilized to conduct simulcast and/or televised races pursuant to this section. These moneys shall be used by the licensee solely for live horse race meet purses; and

(c) Approval must be obtained from the board of county commissioners of the county in which the simulcast and/or televised race facility is to be located; and

(d) A license to conduct and supervise the use of the pari-mutuel system by patrons on the result of simulcast and/or televised races issued under this section may be leased to another person or entity, but only with the approval of the Idaho state racing commission. A lessee of such a license shall be held by the Idaho state racing commission to the same standards as the original licensee.

(e) No simulcast and/or televised race license transferred from one (1) county to another shall be located in a facility within thirty (30) miles of a live horse racetrack without the approval of that live horse racetrack facility.

(f) No simulcast and/or televised race license can be transferred into a county that has had a live race license within the prior five (5) years.

(5) No more than one (1) simulcast and/or televised race facility per county shall be allowed. This includes the one (1) simulcast license authorized in section 54-2514A, Idaho Code.

(6) There is hereby created in the state treasury the live horse race purse distribution fund, to which shall be deposited moneys received by the Idaho state racing commission for the purposes described in this section. All moneys in the live horse race purse distribution fund are hereby perpetually appropriated to the Idaho state racing commission for payment as required in this section. Payments by the Idaho state racing commission from the live horse race purse distribution fund to the recipient live horse race tracks shall be made no later than thirty (30) days after Idaho state racing commission approval of a live race meet license application for the forthcoming calendar year.

(7) Once a total handle exceeding fourteen million dollars (\$14,000,000) is realized from simulcasting and/or televised races conducted pursuant to this section in any one (1) calendar year, the Idaho state racing commission shall submit to the Idaho horse board a sum of five percent (5%) of the balance over fourteen million dollars (\$14,000,000), but not to exceed twelve thousand five hundred dollars (\$12,500) to be used by the Idaho horse board for youth programs and to the "Idaho Robert R. Lee Promise Scholarship Program" as detailed in chapter 43, title 33, Idaho Code, a sum of five percent (5%) of the balance over fourteen million dollars (\$14,000,000), but not to exceed twelve thousand five hundred dollars (\$12,500).

(8) Such pari-mutuel system conducted at such race meet shall not under any circumstances, if conducted under the provisions of this chapter and in conformity thereto and to the rules of the commission, be held or construed to be unlawful, other statutes of this state to the contrary notwithstanding.

(9) The participation by a licensee in an interstate combined wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction in which the licensee is physically located.

(10) Advance deposit wagering on live and/or simulcast horse racing conducted by licensees is hereby declared to be lawful and within the scope of the licensee's license. As used in this section, "advance deposit wagering" means a form of wagering in which an account holder may deposit money with a licensee and then use the balance to fund wagers. The bettor can then contact the licensee from a location without actually being physically present at the licensee's premises in order to communicate the desired use of those funds for wagering purposes. However, no wager can be accepted by the licensee that exceeds the amount in the account held by the licensee for the person placing the wager. Any advance deposit wagering conducted by a person with a provider outside of the state by telephone or other electronic means shall be a felony unless that provider is licensed by the Idaho state racing commission and provides a source market fee of not less than ten percent (10%) of the handle forwarded monthly to the commission. In order to receive an advance deposit wagering license, the applicant must comply with the provisions of subsection (12) of this section and must also reach a nondiscriminatory agreement regarding signal costs with any licensed facility in Idaho if such provider or affiliate is sending interstate simulcast signals to such licensed facility in Idaho. All moneys

in the advance deposit wagering accounts held by the commission are hereby continuously appropriated to the commission, which shall retain ten percent (10%) for live racing administration and remit the balance for payment as required by this section. Payments to recipients shall be made annually. Distribution of the source market fee shall be forty percent (40%) to purses to be deposited directly into the horsemen's purse account at all tracks weighted by number of races ran through the year of distribution, thirty percent (30%) to the simulcast sites in the state weighted by the annual simulcast handle, five percent (5%) to the track distribution fund, five percent (5%) to the breed distribution fund, five percent (5%) to the Idaho state racing commission, five percent (5%) to the public school income fund, and ten percent (10%) for track operating expenses at the live tracks with distribution weighted on the number of race days. All moneys in the track operating accounts are hereby continuously appropriated to the commission for payment as required by this section. For purposes of this section, wagering instructions concerning funds held in an advance deposit account shall be deemed to be issued within the licensee's enclosure. As used in this section, "source market fee" means that part of a wager, made outside of the state by an Idaho resident, that is returned to the state of Idaho. The commission may promulgate rules pursuant to chapter 52, title 67, Idaho Code, to implement the provisions of this subsection.

(11) Pari-mutuel taxes or commissions may not be imposed on any amounts wagered in an interstate combined wagering pool other than amounts wagered within this jurisdiction.

(12) No licensee shall engage in any anticompetitive or deceptive practices in the process of contracting for the right to send any interstate simulcast signal to a licensed facility in Idaho. For purposes of this subsection, anticompetitive or deceptive practices shall include, but not be limited to:

(a) Any agreement to charge excessive or unreasonable fees for the right to receive an interstate signal. In determining whether a fee is excessive or unreasonable, the commission shall consider prevailing rates paid for comparable signals in the past, prevailing rates paid outside Idaho and whether any commonality of ownership or revenue sharing exists, partially or wholly, between the Idaho licensee and the entity receiving the simulcast fees; or

(b) Any agreement, combination, trust or joint enterprise with any other track or entity in which multiple interstate signals are bundled together for the purpose of securing an excessive or unreasonable fee for one (1) or more signals in the group in exchange for the right to receive any of the signals in the group; or

(c) Any other activity with the purpose or effect of artificially inflating prices beyond reasonable market rates or passing on or attempting to pass on any portion of the ten percent (10%) advance deposit wagering fee to licensed facilities in Idaho.

The commission may suspend or revoke licenses and may impose civil penalties of up to ten thousand dollars (\$10,000) per occurrence for violation of this subsection.

(13) It shall be unlawful to conduct pool selling, bookmaking, or to circulate handbooks, or to bet or wager on a race of any licensed race meet, other than by the pari-mutuel system; and it shall further be unlawful knowingly to permit any minor to use the pari-mutuel system.

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

CHAPTER 329
(S.B. No. 1205)

AN ACT

RELATING TO FIREARMS; PROVIDING A SHORT TITLE; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 18-3315B, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PROHIBITION OF REGULATION OF CERTAIN FIREARMS, TO PROHIBIT CERTAIN REGULATION OF FIREARMS, TO PROVIDE FOR ENFORCEABILITY, TO PROVIDE CERTAIN IMMUNITY FROM CIVIL LIABILITY, TO DEFINE TERMS, TO PROVIDE APPLICABILITY, AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. This act shall be known and may be cited as the "Idaho Firearm and Firearm Accessories and Components Protection Act."

SECTION 2. LEGISLATIVE INTENT. The Legislature of the State of Idaho hereby declares the right to keep and bear arms is necessary to the safety and security of the State of Idaho and its citizens, is essential to its citizens' fundamental right of self defense, and is a right that may not be unconstitutionally infringed by the United States, the State of Idaho, Idaho political subdivisions, or local government agencies. The State of Idaho retains the power to protect the fundamental rights of its citizens to any degree greater than is protected by the United States Constitution. It is the intent of the Legislature in enacting this act to protect and include firearms, firearm accessories, and firearm components in protections provided in this act and to protect Idaho officials, agents, employees, and law enforcement officers from being directed, as a result of any executive order, agency order, treaty, law, rule, or regulation of the federal government enacted on or after the effective date of this act, to violate their oath of office or violate the rights of Idaho citizens under Section 11, Article I of the Constitution of the State of Idaho. It is further the intent of the Legislature in enacting this act to prohibit the expenditure of funds and use of personnel and resources by Idaho government entities to assist the federal government to implement any executive order, agency order, treaty, law, rule, or regulation enacted on or after the effective date of this act that violates Section 11, Article I of the Constitution of the State of Idaho. Section 11, Article I of the Constitution of the State of Idaho disallows confiscation of firearms except those actually used in the commission of a felony and disallows other restrictions on a citizen's lawful right to own firearms and ammunition. It is the intent of the Legislature to oppose and not support the enactment and implementation of federal "red flag" laws, rules, regulations, and orders that violate Section 11, Article I of the Constitution of the State of Idaho. This act prohibits use of funds, resources, and personnel by government entities in Idaho to enforce or support enforcement of an executive order, agency order, treaty, law, rule, or regulation of the federal government enacted on or after the effective date of this act that violates Section 11, Article I of the Constitution of the State of Idaho. This act is intended to augment and support the "Idaho Federal Firearm, Magazine and Register Ban Enforcement Act" codified in Section 33-1815B, Idaho Code, as enacted in 2014. The Legislature does not intend to affect an Idaho law enforcement officer who assists federal agents on drug or gang enforcement activities. The Idaho Legislature intends to create the power to enforce this act through the Idaho Attorney General or the Idaho Legislature. Idaho law enforcement officers

are partners with Idaho citizens in protecting the rights as outlined in both the United States Constitution and the Constitution of the State of Idaho.

SECTION 3. That Section 18-3315B, Idaho Code, be, and the same is hereby amended to read as follows:

18-3315B. PROHIBITION OF REGULATION OF CERTAIN FIREARMS. (1) Other than compliance with an order of the court, any official, agent, or employee of the state of an Idaho or a political subdivision thereof ~~government entity~~ who knowingly and willfully orders an official, agent, or employee of the state of an Idaho or a political subdivision of the state ~~government entity~~ to enforce any executive order, agency order, treaty, law, rule, or regulation of the United States government as provided in subsection (2) of this section upon a ~~personal~~ firearm, a firearm accessory, firearm component, or ammunition shall, on a first violation, be liable for a civil penalty not to exceed one thousand dollars (\$1,000), which shall be paid into the general fund of the state, and on a second or subsequent violation shall be guilty of a misdemeanor. If a public officer or person commits a violation of section 18-315 or ~~section~~ 18-703, Idaho Code, the public officer or person shall be punished as provided in those sections. Nothing in this section shall be construed to affect the law of search and seizure as set forth in section 17, article I of the constitution of the state of Idaho or as set forth in the fourth, fifth, and fourteenth amendments to the United States constitution. Notwithstanding anything to the contrary contained elsewhere in this act, no private cause of action exists under this section.

(2) No federal executive order, agency order, treaty, law, statute, rule, or regulation issued, enacted, or promulgated on or after the effective date of this act, ~~shall~~ will be knowingly and willfully ordered to be enforced by any official, agent, or employee of ~~the state or a political subdivision of the state~~ an Idaho government entity if contrary to the provisions of section 11, article I, of the constitution of the state of Idaho.

(3) "Enforcement," "enforce," or "enforced" shall not be construed to include the performance of any act solely for the purpose of facilitating the transfer of firearms under federal law. Any order of enforcement not excluded by the provisions of this subsection that occurs on and after the effective date of this act shall be and is a breach of the oath of office of the official, agent, or employee of the state or a political subdivision of the state.

(4) All Idaho government entities are prohibited from using any personnel, funds, or other resources to enforce, administer, or support the enforcement of any executive order, agency order, treaty, law, rule, or regulation of the United States government enacted or promulgated on or after the effective date of this act upon a firearm, firearm component, firearm accessory, or ammunition if contrary to the provisions of section 11, article I of the constitution of the state of Idaho.

(5) The provisions of this section may be enforced by the Idaho attorney general. The legislature of the state of Idaho may bring legal action for declaratory or injunctive relief to ensure compliance with the provisions of this section. The prevailing party in any such action may recover reasonable attorney's fees and costs from the nonprevailing party.

(6) With the exception of failure to comply with an order of the court, any official, agent, or employee of an Idaho government entity shall not be subject to civil liability for failure to enforce, support, or assist with the enforcement of any executive order, agency order, treaty, law, rule, or regulation of the United States government that is contrary to section 11, article I of the constitution of the state of Idaho or the second amendment to the United States constitution.

(7) As used in this section:

(a) "Firearm accessory" means an item that is used in conjunction with or mounted upon a firearm, including but not limited to telescopic or laser sights, magazines, flash or sound suppressors, folding or after-market stocks and grips, speedloaders, braces, ammunition, ammunition carriers, and lights for target illumination.

(b) "Firearm component" means a component for making firearms, a component for making ammunition, reloading materials and equipment, machinery, design plans, software, and tools for manufacturing firearms and their ammunition.

(c) "Idaho government entity" means the state of Idaho and its departments and agencies and any political subdivision of the state of Idaho and other local government entities and agencies.

(8) Nothing in this "Idaho Firearm and Firearm Accessories and Components Protection Act" is intended nor shall be construed to replace or change the effective date or protections provided by the "Idaho Federal Firearm, Magazine and Register Ban Enforcement Act" as enacted in 2014 and that created this section. To the maximum extent possible, this "Idaho Firearm and Firearm Accessories and Components Protection Act" is intended to add to and expand upon the protections provided by the 2014 act and to provide the greatest possible protection to the rights of Idaho citizens.

SECTION 4. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 20, 2021.

Approved May 10, 2021

CHAPTER 330
(S.B. No. 1212)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022; REQUIRING INFORMED CONSENT; PROVIDING FOR PROMOTION OF HEALTHY ACTIVITIES; AND PROVIDING AN END DATE FOR CERTAIN ACTIVITIES.

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 fund for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PUBLIC HEALTH SERVICES:				
A. PHYSICAL HEALTH SERVICES:				
FROM:				
Cooperative Welfare (Federal)				
Fund	\$1,262,500	\$8,888,700		\$10,151,200
II. DIVISION OF WELFARE:				
A. SELF-RELIANCE OPERATIONS:				
FROM:				
Cooperative Welfare (Federal)				
Fund	\$201,200	\$3,855,000		\$4,056,200
B. BENEFIT PAYMENTS:				
FROM:				
Cooperative Welfare (Federal)				
Fund			\$16,068,800	\$16,068,800
GRAND TOTAL	\$1,463,700	\$12,743,700	\$16,068,800	\$30,276,200

SECTION 2. INFORMED CONSENT. Any promotion of the administration of vaccines or vaccinelike products using funds provided by P.L. 117-2 shall include proper informed consent language. Such language shall be similar to that required by the Food and Drug Administration in all direct-to-consumer full product promotions.

SECTION 3. PROMOTION OF HEALTHY ACTIVITIES. To the extent allowed by P.L. 117-2, for any funds provided by P.L. 117-2 to be expended for the promotion of vaccines or vaccinelike products, an equal amount of funds may be expended on the promotion of health education, including but not limited to exercise and fitness, consumption of vitamin D supplementation, and a reduction in nonnutritional foods such as high-fructose corn syrup. Notwithstanding the provisions of this section, no General Fund moneys may be expended to support this section.

SECTION 4. END DATE FOR CERTAIN ACTIVITIES. For any funds received from P.L. 116-260 for child care, the Department of Health and Welfare shall phase out on or before December 31, 2021, the employee wage enhancements, increased co-pay of child care costs, temporary increase of eligibility using the federal poverty guideline for child care subsidies, and provider grants.

Approved May 10, 2021

CHAPTER 331
(S.B. No. 1213)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2022; CLARIFYING THE USE OF ADVANCED OPPORTUNITIES MONEYS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 Education for the Student Services Program \$750,000 from the General Fund to be expended for trustee and benefit payments for the period July 1, 2021, through June 30, 2022.

SECTION 2. ADVANCED OPPORTUNITIES MONEYS. Of the moneys appropriated in Section 1 of this act, \$750,000 from the General Fund is appropriated for advanced opportunities programs for nonpublic school students. These moneys cannot be used for any other purpose except those outlined in Section 33-4603, Idaho Code, as established in Senate Bill 1045, as enacted by the First Regular Session of the Sixty-sixth Idaho Legislature. Further, this program is not eligible for funding from the Public Education Stabilization Fund as set forth in Section 33-907, Idaho Code.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

Approved May 10, 2021

CHAPTER 332
(S.B. No. 1215)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2022; AMENDING SECTION 5, CHAPTER 230, LAWS OF 2021, TO CLARIFY THE TRANSFER OF MONEYS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 5, Chapter 230, Laws of 2021, be, and the same is hereby amended to read as follows:

SECTION 5. CASH TRANSFER FOR THE FLOOD MANAGEMENT PROGRAM. Of the moneys appropriated in Section 1 of this act for the Planning and Technical Services Program, ~~t~~There is hereby appropriated and the Office of the State Controller shall transfer \$1,000,000 from the General Fund to the Water Management Account created pursuant to Section 42-1760, Idaho Code, on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022, for water quality data collection, monitoring, modeling, flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or flood prevention projects. Of these moneys, up to \$800,000 shall be administered by the Idaho Water Resource Board through a competitive, matching grant process for flood control projects. The Department of Water Resources shall support this competitive grant process using existing personnel and resources.

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 July 1, 2021.

Approved May 10, 2021

CHAPTER 333
(S.B. No. 1216)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 Office of Drug Policy the following amounts to be expended according to the designated expense classes from the Federal COVID-19 Relief Fund for the period July 1, 2021, through June 30, 2022:

FOR:

Personnel Costs	\$40,000
Operating Expenditures	75,000
Trustee and Benefit Payments	<u>1,485,000</u>
TOTAL	\$1,600,000

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 July 1, 2021.

Approved May 10, 2021

CHAPTER 334

(H.B. No. 220, As Amended in the Senate)

AN ACT

RELATING TO PUBLIC FUNDS FOR ABORTION; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 87, TITLE 18, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROHIBIT GOVERNMENT CONTRACTS WITH ABORTION PROVIDERS OR THEIR AFFILIATES, TO PROHIBIT CONTRACTS FOR ABORTION PROCEDURES, TO PROHIBIT THE USE OF PUBLIC FUNDS FOR ABORTION, TO PROHIBIT THE USE OF SCHOOL TUITION AND FEES FOR ABORTION, TO PROHIBIT ABORTION-RELATED ACTIVITIES IN SCHOOL-BASED HEALTH CLINICS, TO PROHIBIT THE USE OF PUBLIC FACILITIES AND ASSETS FOR ABORTION, TO PROVIDE A PENALTY FOR A VIOLATION, TO PROVIDE CONSTRUCTION, AND TO PROVIDE SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 87, Title 18, Idaho Code, and to read as follows:

CHAPTER 87

NO PUBLIC FUNDS FOR ABORTION ACT

18-8701. SHORT TITLE. This chapter shall be known and may be cited as the "No Public Funds for Abortion Act."

18-8702. DEFINITIONS. As used in this chapter:

(1) "Abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of the unborn child, remove a dead unborn child caused by spontaneous abortion, or remove an ectopic pregnancy.

(2) "Affiliate" means an organization that owns or controls or is owned or controlled, in whole or in part, by the other; is related by shareholdings or other means of control; or is a subsidiary, parent, or sibling corporation.

(3) "Facility" or "health care facility" means any public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician's office, infirmary, dispensary, ambulatory surgical treatment center, or other institution or location wherein health care is provided to any person.

(4) "Health care provider" means any person or individual who may be or is asked to participate in any way in any health care service. This includes but is not limited to doctors, nurse practitioners, physician assistants, nurses, nurses' aides, allied health professionals, medical assistants, hospital employees, clinic employees, nursing home employees, pharmacists, pharmacy technicians and employees, medical school faculty and students, nursing school faculty and students, psychology and counseling faculty and students, medical researchers, laboratory technicians, counselors, social workers, or any other person who facilitates or participates in the provision of health care services to any person.

(5) "Public funds" means the funds of every political subdivision of the state wherein taxes are levied or fees are collected for any purpose and also refers to:

- (a) The revenue or money of a government, state, or municipal corporation;
- (b) The bonds, stocks, or other securities of a national or state government; and
- (c) Government spending for acquisition of goods and services for current use to directly satisfy individual or collective needs of the members of the community.

18-8703. GOVERNMENT CONTRACTS WITH ABORTION PROVIDERS OR THEIR AFFILIATES PROHIBITED. (1) The state, a county, a city, a public health district, a public school district, or any local political subdivision thereof may not enter into any contract or commercial transaction with an abortion provider or an affiliate of an abortion provider.

(2) Subsection (1) of this section shall not apply to:

- (a) A contract or commercial transaction that is subject to a federal law related to medicaid; or
- (b) A hospital, as defined in section 39-1301, Idaho Code.

18-8704. CONTRACTS FOR ABORTION PROCEDURES PROHIBITED. (1) No health care facility owned or operated by the state, a county, a city, a public health district, a public school district, or any political subdivision or agency thereof shall enter into any contract or commercial transaction with any health care provider or health care facility under the terms of which such health care provider or health care facility agrees to provide, perform, or induce an abortion, except when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

(2) Subsection (1) of this section shall not apply to:

- (a) A contract or commercial transaction that is subject to a federal law related to medicaid; or
- (b) A hospital, as defined in section 39-1301, Idaho Code.

18-8705. USE OF PUBLIC FUNDS FOR ABORTION PROHIBITED. (1) No public funds made available by the state, a county, a city, a public health district, a public school district, or any local political subdivision or agency thereof and distributed by any institution, board, commission, department, agency, official, or employee of the state, a county, a city, a public health district, a public school district, or any local political subdivision or agency thereof shall be used in any way to provide, perform, or induce an abortion; assist in the provision or performance of an abortion; promote abortion; counsel in favor of abortion; refer for abortion; or provide facilities for an abortion or for training to provide or perform an abortion.

(2) No person, agency, organization, or any other party that receives funds authorized by the state, a county, a city, a public health district, a public school district, or any local political subdivision or agency thereof may use those funds to perform or promote abortion, provide counseling in favor of abortion, make referral for abortion, or provide facilities for abortion or for training to provide or perform abortion.

(3) No fund or committee authorized by Idaho Code for the special protection of women or children shall be authorized to use or distribute public funds for payment for abortion, abortion referrals, abortion counseling, or abortion-related medical or social services.

(4) The provisions of subsections (1), (2), and (3) of this section shall not apply to:

- (a) An abortion performed when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself;
- (b) A hospital, as defined in section 39-1301, Idaho Code; or
- (c) A contract or commercial transaction that is subject to a federal law related to medicaid.

18-8706. USE OF SCHOOL TUITION AND FEES FOR ABORTION PROHIBITED. No part of any tuition or fees paid to a public institution of higher education shall be used in any way to pay for an abortion, provide or perform an abortion, provide counseling in favor of abortion, make a referral for abortion, or provide facilities for an abortion or for training to provide or perform abortion.

18-8707. ABORTION-RELATED ACTIVITIES PROHIBITED IN SCHOOL-BASED HEALTH CLINICS. (1) No facility operated at a public institution of higher education or operated by a public school district shall provide any of the following services to any person:

- (a) Providing or performing an abortion;
- (b) Counseling in favor of abortion;
- (c) Referring for abortion; or
- (d) Dispensing a drug classified as emergency contraception by the food and drug administration (FDA), except in the case of rape as defined in section 18-6101, Idaho Code.

(2) No employee of a public institution of higher education or a public school, acting within the scope of such person's employment, shall provide any of the following services to any person:

- (a) Providing or performing an abortion;
- (b) Counseling in favor of abortion;
- (c) Referring for abortion; or
- (d) Dispensing a drug classified as emergency contraception by the FDA, except in the case of rape as defined in section 18-6101, Idaho Code.

(3) The state department of education, state board of education, or other state agencies and local units of administration are prohibited from using state funds to provide or procure an abortion or distribute drugs classified as emergency contraception by the FDA, except in the case of rape as defined in section 18-6101, Idaho Code.

18-8708. USE OF PUBLIC FACILITIES AND ASSETS FOR ABORTION PROHIBITED. (1) No public institution, public facility, public equipment, or other physical asset owned, leased, or controlled by this state, a county, a city, a public health district, a public school district, or any local political subdivision or agency thereof shall be used for the purpose of providing, performing, or participating in an abortion.

(2) No public institution or facility shall lease, sell, or permit the subleasing of its facilities or property to any physician or health care facility for use in the provision or performance of abortion.

(3) The provisions of subsections (1) and (2) of this section shall not apply to:

- (a) An abortion performed when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself;
- (b) A hospital, as defined in section 39-1301, Idaho Code; or
- (c) A contract or commercial transaction that is subject to a federal law related to medicaid.

18-8709. PENALTY FOR VIOLATION. Any intentional violation of the provisions of this chapter by a public officer or public employee shall be considered a misuse of public moneys punishable under section 18-5702, Idaho Code.

18-8710. CONSTRUCTION. Nothing in this chapter shall be construed as creating or recognizing a right to abortion. Nothing in this chapter shall be construed as creating or recognizing a right to federal or state funds for abortion.

18-8711. SEVERABILITY. Any provision of this chapter held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable herefrom and shall not affect the remainder hereof or the application of such provision to other persons not similarly situated or to other dissimilar circumstances.

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 May 10, 2021

CHAPTER 335
(H.B. No. 258)

AN ACT

RELATING TO ALCOHOL; AMENDING SECTION 23-948, IDAHO CODE, TO PROVIDE THAT CERTAIN APPLICANTS SHALL NOT BE DEEMED INELIGIBLE FOR A WATERFRONT RESORT LIQUOR LICENSE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 23-948, Idaho Code, be, and the same is hereby amended to read as follows:

23-948. WATERFRONT RESORTS -- LICENSING EVEN IF OUTSIDE CORPORATE LIMITS OF CITY. (a) Nothing contained in section 23-903, Idaho Code, shall prohibit the issuance of a license to the owner, operator or lessee of a waterfront resort, even if situated outside the incorporated limits of a city. The provisions of section 23-910, Idaho Code, shall apply to licenses issued under the provisions of this section. For the purpose of this section, a waterfront resort shall comprise real property with not less than two hundred (200) feet of lake frontage upon a lake or reservoir as defined by the army corps of engineers of not less than one hundred sixty (160) acres, or river frontage upon a river with at least an average six (6) months' flow of eleven thousand (11,000) cubic feet per second, and shall be open to the public, where people assemble for the purpose of vacationing, boating or fishing, and each waterfront resort must have suitable docks or permanent improved boat-launching facilities not less than sixteen (16) feet in width on property owned or leased by the resort operator or on property contiguous thereto owned by this state or the federal government open to the public for recreational uses for the purpose of caring for vacationers, or other recreational users and either of the following:

(1) Hotel or motel accommodations for not less than fifty (50) persons, including a full-service restaurant that serves regularly at least two (2) meals per day to the public during a continuous period of at least four (4) months per year; or

(2) A building of not less than three thousand (3,000) square feet of public use floor space, including a full-service restaurant that serves regularly at least two (2) meals per day to the public during a continuous period of at least four (4) months per year and paved or gravelled parking for fifty (50) automobiles on the operator's owned or leased property and any contiguous property upon which are the docks or boat-launching facilities described above in this subsection.

(b) For purposes of satisfying the requirements of subsection (a) of this section, an otherwise qualifying applicant shall not be deemed ineligible for a waterfront resort license because a public right-of-way runs directly between, and contiguous to, the real property upon which the restaurant is located and the real property containing the required water frontage.

(c) The fees for licenses granted under the provisions of this section shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code, unless said resort is located within the corporate limits of a city or village, in which case the license fee shall be the same as for other licensees within such corporate limits.

(ed) The provisions of this section shall not be construed to interfere with the privileges of the holder of a lake resort license issued under this section prior to the effective date of this section.

(de) Licenses issued pursuant to this section shall remain valid and may be transferred according to the provisions of this chapter even if the lake, reservoir or river on which the waterfront resort is situated ceases to meet the requirements provided in subsection (a) of this section.

Approved May 10, 2021

CHAPTER 336

(H.B. No. 316, As Amended in the Senate)

AN ACT

RELATING TO PUBLIC HEALTH DISTRICTS; AMENDING CHAPTER 35, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3505H, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SHALL NOT BE ELIGIBLE FOR COUNTY MEDICAL ASSISTANCE OR ASSISTANCE UNDER THE CATASTROPHIC HEALTH CARE COST PROGRAM AND TO PROVIDE LEGISLATIVE INTENT; AMENDING SECTION 39-401, IDAHO CODE, TO PROVIDE THAT PUBLIC HEALTH DISTRICTS ARE NOT DEPARTMENTS OR AGENCIES OF A COUNTY GOVERNMENT, TO PROVIDE FOR THE CONTINUANCE OF CERTAIN AGREEMENTS OR SERVICE ARRANGEMENTS, TO PROVIDE AN EXCEPTION, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-411, IDAHO CODE, TO REMOVE A PROVISION THAT NO MORE THAN ONE MEMBER OF A DISTRICT BOARD OF HEALTH SHALL BE APPOINTED FROM CERTAIN GROUPS; AMENDING SECTION 39-413, IDAHO CODE, TO PROVIDE THAT THE DISTRICT BOARD OF HEALTH SHALL DETERMINE COMPENSATION FOR THE DISTRICT HEALTH DIRECTOR AND TO PROVIDE THAT CERTAIN DUTIES SHALL BE THE EXCLUSIVE RESPONSIBILITY OF THE DISTRICT HEALTH DIRECTOR; AMENDING SECTION 39-414, IDAHO CODE, TO REVISE PROVISIONS REGARDING POWERS AND DUTIES OF THE DISTRICT BOARD OF HEALTH; AMENDING SECTION 39-414A, IDAHO CODE, TO REMOVE A REFERENCE TO THE LEGISLATIVE COUNCIL; AMENDING SECTION 39-423, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF A DESIGNEE TO THE BUDGET COMMITTEE OF A PUBLIC HEALTH DISTRICT AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 4, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-424A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING ADDITIONAL COUNTY AID TO PUBLIC HEALTH DISTRICTS AND PROCEDURES; AMENDING SECTION 39-425, IDAHO CODE, TO REVISE PROVISIONS REGARDING STATE AID TO PUBLIC HEALTH DISTRICTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 35, 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 31-3505H, Idaho Code, and to read as follows:

31-3505H. ELIGIBILITY FOR FINANCIAL ASSISTANCE. (1) Notwithstanding any provision of law or rule to the contrary, no person eligible for medicaid pursuant to section 56-254 or 56-267, Idaho Code, shall be eligible for financial assistance pursuant to this chapter.

(2) Notwithstanding any provision of law or rule to the contrary, no person eligible for health insurance shall be eligible for financial assistance pursuant to this chapter.

(3) Notwithstanding any provision of law or rule to the contrary, no person in a commitment proceeding pursuant to chapter 3, title 66, Idaho Code, who is eligible for medicaid or eligible for health insurance shall be eligible for financial assistance pursuant to this chapter.

(4) It is the intent of the legislature that moneys saved by counties pursuant to this section may be used for additional county aid to public health districts as required by section 39-424A, Idaho Code.

SECTION 2. That Section 39-401, Idaho Code, be, and the same is hereby amended to read as follows:

39-401. LEGISLATIVE INTENT. (1) The various health districts, as provided for in this chapter, are not:

(a) A a single department of state government unto themselves, nor are they a;

(b) A part of any of the twenty (20) departments of state government authorized by section 20, article IV, Idaho constitution, or;

(c) A part of the departments prescribed in section 67-2402, Idaho Code; or

(d) A department or an agency of county government.

(2) It is legislative intent that health districts operate and be recognized not as state or county agencies or departments, but as governmental entities whose creation has been authorized by the state, much in the manner as other single purpose districts. Pursuant to this intent, and because health districts are not state or county departments or agencies, health districts are exempt from the required participation in the services of the purchasing agent or employee liability coverage, as rendered by the department of administration. However, nothing shall prohibit the health districts from entering into contractual contractual arrangements with the department of administration, or any other department of state government or an elected constitutional officer, for these or any other services.

(3) It is legislative intent to affirm the provisions of section 39-413, Idaho Code, requiring compliance with the state merit system, and to affirm the participation of the health districts in the public employee retirement system, pursuant to section 39-426, Idaho Code, chapter 13, title 59, Idaho Code, and chapter 53, title 67, Idaho Code.

(4) It is also legislative intent that the matters of location of deposit of health district funds, or the instruments or documents of payment from those funds shall be construed as no more than items of convenience for the conduct of business, and in no way reflect upon the nature or status of the health districts as entities of government.

(5) This section merely affirms that health districts created under this chapter are not state or county agencies, and in no way changes the character of those agencies as they existed prior to this act.

(6) Public health districts will have the option to continue with agreements and service arrangements, including insurance arrangements, with state agencies that were effective prior to January 1, 2022, unless an agreement or service arrangement is expressly nullified by statute.

SECTION 3. That Section 39-411, Idaho Code, be, and the same is hereby amended to read as follows:

39-411. COMPOSITION OF DISTRICT BOARD -- QUALIFICATIONS OF MEMBERS -- APPOINTMENT AND REMOVAL -- TERMS -- SELECTION OF OFFICERS -- BOARD OF TRUSTEES OF DISTRICT BOARDS OF HEALTH. (1) For those districts comprised of:

(a) Fewer than eight (8) counties, the district board of health shall consist of seven (7) members to be appointed by the boards of county commissioners within each district acting jointly, and each board of county commissioners may appoint a board member.

(b) Eight (8) counties, the district board of health shall consist of not fewer than eight (8) members nor more than nine (9) members, and each board of county commissioners may appoint a board member.

(2) Each member of the district board of health shall be a citizen of the United States, a resident of the state of Idaho and the public health district for one (1) year immediately last past, and a qualified elector. One (1) member of the district board, if available to serve, shall be a physician licensed by the Idaho state board of medicine, ~~and no more than one (1) member shall be appointed from any professional or special interest group.~~ All members shall be chosen with due regard to their knowledge and interest in public health and in promoting the health of the citizens of the state and the public health district. Representation shall be assured from rural as well as urban population groups.

(3) All appointments to the district board shall be confirmed by a majority vote of all the county commissioners of all the counties located within the public health district. Any member of the district board may be removed by majority vote of all the county commissioners of all the counties located within the district.

(4) The members of the district board of health shall be appointed for a term of five (5) years, subject to reappointment; and vacancies on the board for an unexpired term shall be filled for the balance of the unexpired term. Notwithstanding any provision of this section as to term of appointment, if a board member is an appointee for a board of county commissioners, and if that board member is an elected county commissioner and leaves office prior to the expiration of the term on the district board of health, the board of county commissioners may declare the position vacant and may appoint another currently elected county commissioner to fill the unexpired portion of the term of that board member.

(5) The members of the district board, each year, shall select a chairman, a vice chairman and a trustee. The trustee shall represent the district board as a member of the board of trustees of the Idaho district boards of health.

(6) The board of trustees of the Idaho district boards of health shall have authority to allocate appropriations from the legislature to the health districts. Such authority is limited to the development and administration of formulas for the allocation of legislative appropriations. Any formula adopted by the board of trustees must be in use, without alteration, for at least two (2) years; provided that during the two (2) year period, the formula may be changed if an emergency occurs, the emergency is declared and there is a unanimous vote of the board of trustees to make the emergency formula change. All proceedings of the board of trustees shall be subject to the provisions of chapter 2, title 74, Idaho Code.

SECTION 4. That Section 39-413, Idaho Code, be, and the same is hereby amended to read as follows:

39-413. DISTRICT HEALTH DIRECTOR -- APPOINTMENT -- POWERS AND DUTIES. A district health director shall be appointed by the district board and shall receive compensation as determined by the district board. The director shall have and exercise the following powers and duties in addition to all other powers and duties inherent in the position or delegated to him or imposed upon him by law or rule, regulation, or ordinance:

(1) To be secretary and administrative officer of the district board of health;

(2) To prescribe such rules and regulations, consistent with the requirements of this chapter, as may be necessary for the government of the district, the conduct and duties of the district employees, the orderly and efficient handling of business and the custody, use and preservation of the records, papers, books and property belonging to the public health district;

(3) To administer oaths for all purposes required in the discharge of his duties;

(4) With the approval of the district board to:

(a) Prescribe the positions and the qualifications of all personnel under the district health director on a nonpartisan merit basis in accordance with the objective standards approved by the district board. This shall be the exclusive responsibility of the district health director, with the approval of the board, and no state official, elected or otherwise, or agency shall have any power to disapprove or interfere with the performance by the director and the board of this duty or to delay such performance in any way.

(b) Fix the rate of pay and appoint, promote, demote, and separate such employees and to perform such other personnel actions as are needed from time to time in conformance with the requirements of chapter 53, title 67, Idaho Code. This shall be the exclusive responsibility of the district health director, with the approval of the board, and no state official, elected or otherwise, or agency shall have any power to disapprove or interfere with the performance by the director and the board of this duty or to delay such performance in any way.

(c) Create such units and sections as are or may be necessary for the proper and efficient functioning of the duties herein imposed.

SECTION 5. That Section 39-414, Idaho Code, be, and the same is hereby amended to read as follows:

39-414. POWERS AND DUTIES OF DISTRICT BOARD. The district board of health shall have and may exercise the following powers and duties:

(1) To administer and enforce all state and district health laws, regulations, and standards.

(2) To do all things required for the preservation and protection of the public health and preventive health, and to enter into agreements with the director of the state department of health and welfare or the director of the department of environmental quality to provide services or do such other things delegated by the director of the state department of health and welfare or the director of the department of environmental quality and this shall be authority for the director(s) to so delegate as specified in the agreement. An agreement entered pursuant to this subsection may be between either such director and one (1) district or multiple districts. An order of a district board of health will take effect immediately. However, notwithstanding the provisions of this subsection, if an order applies to all persons in a county or a public health district, the board of county commissioners within each affected county, after consulting with the district board of health, will determine by resolution whether or not to approve the order within county limits within seven (7) days of the date of the order. If the board of county commissioners approves the order, then the order will take effect immediately for a period of thirty (30) days. Thereafter, the order may be extended, amended, or modified and reimposed for thirty (30) day periods, subject to approval by the board of county commissioners.

(3) To determine the location of its main office and to determine the location, if any, of branch offices.

(4) To enter into contracts with any other governmental or public agency whereby the district board agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received and shall not apply to services required by statute, rule, and regulations, or standards promulgated pursuant to this act or chapter 1, title 39, Idaho Code.

(5) All moneys or payment received or collected by gift, grant, devise, or any other way shall be deposited to the respective division or subaccount of the public health district in the public health district fund authorized by section 39-422, Idaho Code.

(6) To establish a fiscal control policy ~~required by the state controller.~~

(7) To cooperate with the state board of health and welfare, the department of health and welfare, the board of environmental quality and the department of environmental quality.

(8) To enter into contracts with other governmental agencies, and this act hereby authorizes such other agencies to enter into contracts with the health district, as may be deemed necessary to fulfill the duties imposed upon the district in providing for the health of the citizens within the district.

(9) To purchase, exchange or sell real property and construct, rent, or lease such buildings as may be required for the accomplishment of the duties imposed upon the district and to further obtain such other personal property as may be necessary to its functions.

(10) To accept, receive and utilize any gifts, grants, or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this act.

(11) To establish a charge whereby the board agrees to render services to or for entities other than governmental or public agencies for an amount reasonably calculated to cover the cost of rendering such service.

(12) To enter into a lease of real or personal property as lessor or lessee, or other transaction with the Idaho health facilities authority for a term not to exceed ninety-nine (99) years upon a determination by the district board that the real or personal property to be leased is necessary for the purposes of the district, and to pledge nontax revenues of the district to secure the district's obligations under such leases. For the purposes of this chapter, a public health district is not a subdivision of the state and shall be considered an independent body corporate and politic pursuant to section 1, article VIII, of the constitution of the state of Idaho, and is not authorized hereby to levy taxes nor to obligate the state of Idaho concerning such financing.

(13) To administer and certify solid waste disposal site operations, closure, and post-closure procedures established by statute or regulation in accordance with provisions of chapter 74, title 39, Idaho Code, in a manner equivalent to the site certification process set forth in section 39-7408, Idaho Code.

(14) To select a board member to serve as trustee on the board of trustees of the Idaho district boards of health.

SECTION 6. That Section 39-414A, Idaho Code, be, and the same is hereby amended to read as follows:

39-414A. AUDIT OF HEALTH DISTRICT FINANCES. It shall be the duty of each district board of health to cause to be made a full and complete audit of all the financial transactions of the health district no less frequently than every two (2) years. Such audit shall be ~~made by or under the direction of the legislative council,~~ in accordance with generally accepted auditing standards and procedures. The district board of health shall include all necessary expenses for such audit in its budget.

SECTION 7. That Section 39-423, Idaho Code, be, and the same is hereby amended to read as follows:

39-423. BUDGET COMMITTEE OF PUBLIC HEALTH DISTRICT. The chairmen of the boards of county commissioners located within the public health district are hereby constituted as the budget committee of the public health district.

The district board will submit to the budget committee by the first Monday in June of each year the preliminary budget for the public health district and the estimated cost to each county, as determined by the provisions of section 39-424, Idaho Code.

On or before the first Monday in July, there will be held at a time and place determined by the budget committee a budget committee meeting and public hearing upon the proposed budget of the district. Notice of the budget committee meeting and public hearing shall be posted at least ten (10) full days prior to the date of said meeting in at least one (1) conspicuous place in each public health district to be determined by the district board of health. A copy of such notice shall also be published in the official newspaper or a generally circulated newspaper of each county of such public health district, in one (1) issue thereof, during such ten (10) day period. The place, hour and day of such hearing shall be specified in said notice, as well as the place where such budget may be examined prior to such hearing. A summary of such proposed budget shall be published with and as a part of the publication of such notice of hearing in substantially the form required by section 31-1604, Idaho Code.

On or before the first Monday in July, a budget for the public health district shall be agreed upon and approved by a majority of the budget committee. Such determination shall be binding upon all counties within the district and the district itself.

Nothing in this section shall prevent the chairman of a board of county commissioners from appointing a designee to represent him on the budget committee if the chairman is unable to attend the budget committee meeting, provided that the designee must be an elected county commissioner from the same county as the chairman of the board of county commissioners.

SECTION 8. That Chapter 4, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-424A, Idaho Code, and to read as follows:

39-424A. ADDITIONAL COUNTY AID TO DISTRICTS -- PROCEDURES. (1) Beginning on January 1, 2022, and each year thereafter, the various boards of county commissioners shall be responsible for providing additional annual aid to the public health districts. The amount of such additional county aid shall not be less than the amount appropriated to the various public health districts by the legislature for state fiscal year 2021.

(2) The manner of apportioning the additional aid from the various counties shall be calculated pursuant to section 39-424, Idaho Code, unless an alternative manner of apportioning the additional aid is agreed to by the budget committees of the various public health districts.

(3) Notwithstanding the provisions of section 31-863, Idaho Code, a county may use any fund balance accruing pursuant to chapter 35, title 31, Idaho Code, to fund the annual aid provided for in this section.

SECTION 9. That Section 39-425, Idaho Code, be, and the same is hereby amended to read as follows:

~~39-425. GENERAL STATE AID TO DISTRICTS -- PROCEDURES. (1) Every year, the districts shall submit a request to the legislature for money to be used to match funds contributed by the counties pursuant to section 31-862, Idaho Code, for the maintenance and operation of district health departments. The matching amount to be included in the request shall be a minimum of sixty-seven percent (67%) of the amounts pledged by each county, as adopted as part of the budget for the health districts during the budget formulations, as provided for in section 39-423, Idaho Code. If the determined amount of participation by a county would exceed the amount which could be raised applying the maximum levy prescribed in section 31-862, Idaho Code, that county's participation shall be reduced to the maximum amount which can be raised thereby.~~

~~(2) The foregoing provision shall not limit the legislature from authorizing or granting additional funds for selected projects in excess of the percentage of participation of general aid granted all health districts.~~

~~(3) General state aid to the various health districts shall be made available from state appropriations, and shall be distributed in the following manner:~~

~~(a) The amount appropriated to the health districts shall be divided based upon the formula developed and administered by the board of trustees of the Idaho district boards of health.~~

~~(b) One-half (1/2) of the amount appropriated shall be remitted to the public health trust fund on or before July 15; and~~

~~(c) The remaining one-half (1/2) of the amount appropriated shall be remitted to the public health trust fund on or before January 15. The legislature may authorize or grant additional funds to the various public health districts for selected projects.~~

~~(4) The liability of the state of Idaho to the public health districts and the public health district fund and its divisions is limited to:~~

~~(a) The funds actually authorized and granted to the various public health districts as provided in subsection (1) of this section; and~~

~~(b) The funds actually authorized or granted to the various public health districts as provided for in subsection (2) of this section; and~~

~~(c) The funds due the various health districts in payment of legally authorized contracts and agreements entered into between the departments of the state of Idaho and the various public health districts.~~

~~(5) If revenues to the state treasury are insufficient to fully meet appropriations, and reductions in spending authority have been ordered pursuant to law, the amount of moneys to match revenues contributed by the counties, pursuant to section 39-423, Idaho Code, which has been appropriated pursuant to this section, shall be reduced by the same percentage rate as other general account appropriations.~~

SECTION 10. This act shall be in full force and effect on and after March 1, 2022.

Approved May 10, 2021

CHAPTER 337
(H.B. No. 348)

AN ACT

RELATING TO CITY APPROPRIATION ORDINANCES; AMENDING SECTION 50-1003, IDAHO CODE, TO REMOVE A PROVISION REGARDING CITY APPROPRIATION ORDINANCES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 50-1003, Idaho Code, be, and the same is hereby amended to read as follows:

50-1003. ANNUAL APPROPRIATIONS BILL -- AMENDING APPROPRIATION ORDINANCE -- SPECIAL APPROPRIATION UPON PETITION OR ELECTION. (1) The city council of each city shall, prior to the commencement of each fiscal year, pass an ordinance to be termed the annual appropriation ordinance, which in no event shall be greater than the amount of the proposed budget, in which the corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation, not exceeding in the aggregate the amount of tax authorized to be levied during that year in addition to all other anticipated revenues. Provided, the amount appropriated from property tax revenues shall not exceed the amount of property tax revenue advertised pursuant to section 50-1002, Idaho Code.

(2) Such ordinance shall specify the object and purposes for which such appropriations are made and the amount appropriated for each object or purpose. ~~Said ordinance shall be filed with the office of the secretary of state.~~

(3) The city council of any city may, by the same procedure as used in adopting the original appropriation ordinance at any time during the current fiscal year, amend the appropriation ordinance to a greater amount than that adopted, if after the adoption of the appropriation ordinance, additional revenue will accrue to the city during the current fiscal year as a result of increase in state or federal grants or allocations, or as a result of an increase in an enterprise fund or funds to finance the operation and maintenance of governmental facilities and services ~~which~~ that are entirely or predominantly self-supporting by user charges, or as a result of an increase in revenues from any source other than ad valorem tax revenues. A city whose property tax certification is made for the current fiscal year may amend its budget and annual appropriation ordinance, pursuant to the notice and hearing requirements of section 50-1002, Idaho Code, prior to certification to the county commissioners.

(4) No further appropriation, except as herein provided in this section, shall be made at any other time within such fiscal year unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city, either by petition signed by them equal in number to a majority of the number who voted at the last general city election, or approved at a special election duly called therefor, and all appropriations shall end with the fiscal year for which they are made.

Approved May 10, 2021

CHAPTER 338
(H.B. No. 355)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2022; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2022; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR CLASSIFIED STAFF; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT AND DIVIDING THAT AMOUNT INTO TWO DISTRIBUTIONS; DIRECTING THE USE OF APPROPRIATION FOR INFORMATION TECHNOLOGY STAFFING COSTS; DIRECTING THE USE OF APPROPRIATION FOR CLASSROOM TECHNOLOGY, WIRELESS INFRASTRUCTURE, AND INSTRUCTIONAL MANAGEMENT SYSTEMS; DEFINING "DISTRIBUTED"; EXEMPTING THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS; PROVIDING FOR A TRANSPORTATION PROGRAM MANAGEMENT REVIEW; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT AND DIVIDING THAT AMOUNT INTO TWO DISTRIBUTIONS FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2021; AND DECLARING AN EMERGENCY.

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program's Division of Operations for the period July 1, 2021, through June 30, 2022:

FROM:

General Fund	\$702,240,800
Public Schools Other Income Fund	8,000,000
Public School Earnings Reserve Fund	54,798,000
Federal COVID-19 Relief Fund	<u>14,000,000</u>
TOTAL	\$779,038,800

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2021, through June 30, 2022:

FROM:

General Fund	\$702,240,800
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Operations the following amounts to be expended from the listed funds for the period July 1, 2021, through June 30, 2022:

FROM:

Public School Income Fund	\$765,038,800
Federal COVID-19 Relief Fund	<u>14,000,000</u>
TOTAL	\$779,038,800

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

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

(1) To determine the apportionment for instructional staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member or pupil service staff member on the residency compensation rung shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(2) Effective July 1, 2022, no full-time instructional staff member or pupil service staff member on the professional or advanced professional compensation rung shall be paid less than the minimum dollar amount on the career ladder professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(3) Effective July 1, 2025, no full-time instructional staff member or pupil service staff member on the advanced professional compensation rung shall be paid less than the minimum dollar amount on the advanced professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(4) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board-certified instructional staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board-certified teachers as of July 1 of each year.

(5) To determine the apportionment for pupil service staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. If the district does not employ any pupil service staff, the district's pupil service staff average salary shall equal the district's instructional staff average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(6) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. The district administrative staff index shall be multiplied by the base salary of thirty-eight thousand seventeen dollars (\$38,017). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(7) To determine the apportionment for classified staff, multiply ~~twenty-two thousand seven hundred sixty-one dollars (\$22,761)~~ twenty-three thousand two hundred sixteen dollars (\$23,216) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(8) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (4), (5), (6) and (7) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 5. DISCRETIONARY FUNDS. Notwithstanding any law to the contrary, for the period July 1, 2021, through June 30, 2022, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program's Division of Operations will result in total discretionary funds of \$29,542 per support unit. The \$29,542 is further divided into two distributions: \$16,226 per support unit is to be used at the discretion of the school district or charter school and \$13,316 per support unit is to be used to offset the employer costs of health, vision, and dental insurance offered to its employees. If the distribution provided for health, vision, and dental insurance is in excess of the individual school district's or charter school's actual costs, the excess funds may then be used at the school district's or charter school's discretion. Further, the Department of Education shall work with the Legislative Services Office and the Division of Financial Management to determine the information that the Department of Education shall collect on school district and charter school health, vision, and dental insurance costs, including but not limited to actual insurance premium costs and premium percentage increases.

SECTION 6. INFORMATION TECHNOLOGY STAFFING COSTS. Of the moneys appropriated in Section 3 of this act, \$4,000,000 from the Public School Income Fund shall be distributed for public school information technology staff costs. Such moneys shall be distributed pursuant to a formula, with a minimum distribution per school district and public charter school, determined by the Department of Education.

SECTION 7. CLASSROOM TECHNOLOGY. Of the moneys appropriated in Section 3 of this act, \$26,500,000 from the Public School Income Fund shall be distributed for classroom technology, classroom technology infrastructure, wireless technology infrastructure, and instructional management systems that assist teachers and students in effective and efficient instruction or learning. Funding shall be distributed based on a formula prescribed by the Department of Education. Moneys so distributed shall be used to implement and operate an instructional management system of each district's choice that meets the individual learning needs and progress of all students. An instructional management system must include individual student learning

plans, monitoring of interventions, integration with a district's Student Information System (SIS), and analysis of student and classroom levels of learning. Furthermore, the Department of Education shall verify that districts are using funds to purchase an instructional management system that is compliant with these standards.

SECTION 8. DEFINITION. For the purposes of this appropriation, "distributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administrative costs.

SECTION 9. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. For fiscal year 2022, the Department of Education is hereby granted the authority to transfer appropriations among the Administrators, Teachers, Operations, Children's Programs, and Facilities divisions of the Public Schools Educational Support Program, in any amount necessary, to comply with the public school funding provisions of appropriations and Idaho Code. Additionally, appropriations may be transferred from the Division of Central Services to the other divisions of the Public Schools Educational Support Program.

SECTION 10. TRANSPORTATION PROGRAM MANAGEMENT REVIEW. As provided for in Section 67-702(c), Idaho Code, the Audit Division of the Legislative Services Office shall perform a management review of the Pupil Transportation Program outlined in Chapters 10 and 15, Title 33, Idaho Code. The review shall evaluate and audit, at a minimum, the calculation and application of the funding formula, payments made to school districts and public charter schools, and the overall administration of the program. The Audit Division may also evaluate other portions of the transportation program based on information gathered during the audit.

SECTION 11. FISCAL YEAR 2021 DISCRETIONARY FUNDS. Notwithstanding Section 5, Chapter 300, Laws of 2020, and any other provision of law to the contrary, for the period July 1, 2020, through June 30, 2021, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program's Division of Operations will result in total discretionary funds of \$22,810 per support unit. The \$22,810 is further divided into two distributions: \$10,149 per support unit is to be used at the discretion of the school district or charter school and \$12,661 per support unit is to be used to offset the employer costs of health, vision, and dental insurance offered to its employees. If the distribution provided for health, vision, and dental insurance is in excess of the individual school district's or charter school's actual costs, the excess funds may then be used at the school district's or charter school's discretion. Further, the Department of Education shall work with the Legislative Services Office and the Division of Financial Management to determine the information that the Department of Education shall collect on school district and charter school health, vision, and dental insurance costs, including but not limited to actual insurance premium costs and premium percentage increases.

SECTION 12. In addition to the appropriation made in Section 3, Chapter 300, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Operations \$2,173,200 from the Federal COVID-19 Relief Fund for the period July 1, 2020, through June 30, 2021.

SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, Sections 10, 11, and 12 of this act shall be in full force and effect on and after passage and approval.

CHAPTER 339
(H.B. No. 362)

AN ACT

RELATING TO TRANSPORTATION FUNDING; PROVIDING LEGISLATIVE INTENT; AND AMENDING SECTION 63-3638, IDAHO CODE, TO INCREASE THE PERCENTAGE OF SALES TAX TO BE ALLOCATED TO TRANSPORTATION.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to partially address the long-term transportation needs of both state and local transportation systems. Additional amounts for the Idaho Transportation Department for bonding purposes allow for large infrastructure projects, while the remainder of the funds are allocated to local units of government to provide long-term, sustainable transportation funding. It is also the intent of the Legislature that a portion of the ongoing transportation needs of both the state and local highway systems be funded through the General Fund by way of an annual dedicated distribution of 4.5% of sales tax revenues. \$80,000,000 of sales tax revenues from such distribution shall be dedicated to the Idaho Transportation Department for bonding purposes to allow for large infrastructure projects on the state highway system. Amounts in excess of \$80,000,000, if any, shall be dedicated to local units of government as sales tax revenues increase.

SECTION 2. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and except as provided in subsection (16) of this section, shall be distributed by the state tax commission as follows:

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(2) Five million dollars (\$5,000,000) per year is continuously appropriated and shall be distributed to the permanent building fund, provided by section 57-1108, Idaho Code.

(3) Four million eight hundred thousand dollars (\$4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control fund established by section 39-3628, Idaho Code.

(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts the association determines will keep it self-supporting.

(5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.

(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.

(7) An amount required by the provisions of chapter 87, title 67, Idaho Code.

(8) For fiscal year 2011 and each fiscal year thereafter, four million one hundred thousand dollars (\$4,100,000), of which two million two hundred thousand dollars (\$2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts and one million nine hundred thousand dollars (\$1,900,000) shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012 and for each fiscal year thereafter, the amount distributed pursuant to this subsection shall be adjusted annually by the state tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection be less than four million one hundred thousand dollars (\$4,100,000). Any increase resulting from the adjustment required in this section shall be distributed to each county in the proportion that the population of the county bears to the population of the state. Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection. All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department, excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission on and after July 1, 2020, as follows:

(a) Forty-five and two-tenths percent (45.2%) shall be paid to the various cities as follows:

(i) The revenue-sharing amount calculated by the state tax commission for the various cities for each quarter of fiscal year 2020 shall be the base amount for current quarterly revenue distribution amounts. The state tax commission shall calculate the per capita distribution for each city resulting from the previous fiscal year's distributions.

(ii) If there is no change in the amount of the revenue-sharing account from the same quarter of the previous fiscal year, then the various cities shall receive the same amount received for the same quarter of the previous fiscal year.

(iii) If the balance of the revenue-sharing account for the current quarter is greater than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then:

1. If the distributions made to the cities during the same quarter of the previous fiscal year were below the base amount established in fiscal year 2020, then the various cities shall first receive a proportional increase up to the base amount for each city and up to a one percent (1%) increase over such base amount. Any remaining moneys shall

be distributed to cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with below-average per capita distributions within the state.

2. If the distributions made to the cities during the same quarter of the previous fiscal year were at or above the base amount established in fiscal year 2020, then the cities shall receive the same distribution they received during the same quarter of the previous fiscal year plus a proportional increase up to one percent (1%). Any remaining moneys shall be distributed to the cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with a below-average per capita distribution within the state.

(iv) If the balance of the revenue-sharing account for the current quarter is less than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then the cities shall first receive a proportional reduction down to the base amount established in fiscal year 2020. If further reductions are necessary, the cities shall receive reductions based on the proportion that each city's population bears to the population of all cities within the state.

(b) Forty-seven and one-tenth percent (47.1%) shall be paid to the various counties as follows:

(i) Fifty-nine and eight-tenths percent (59.8%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth (1/44) to each of the various counties; and

2. The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state; and

(ii) Forty and two-tenths percent (40.2%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. Each county that received a payment under the provisions of section 63-3638(e), Idaho Code, as that subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

2. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each county's payment shall be reduced proportionately.

3. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each 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.

4. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid to the various counties in the proportion that the population of the county bears to the population of the state; and

(c) 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 that received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (10)(c) 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)(c) in any quarter exceeds the amount distributed under paragraph (c)(i) of this subsection, each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered forgone amounts as determined under section 63-802(1)(e), Idaho Code. When a special purpose taxing district is situated in more than one (1) county, the state tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.

(iv) If special purpose taxing districts are consolidated, the resulting district is entitled to a base amount equal to the sum of the base amounts received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or 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.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this paragraph (c) of this subsection.

(vii) For purposes of this paragraph (c) of this subsection, a special purpose taxing district is any taxing district that is not a city, a county, or a school district.

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner

and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

(12) Amounts necessary to pay refunds as provided in section 63-3641, Idaho Code, to a developer of a retail complex shall be remitted to the demonstration pilot project fund created in section 63-3641, Idaho Code.

(13) Amounts calculated in accordance with subsection (4) of section 63-602KK, Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to subsection (2) of section 63-602KK, Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602KK, Idaho Code, shall be treated as property tax revenues. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts that were received in the last calendar year by each district pursuant to this subsection prior to the consolidation. If a taxing district or revenue allocation area annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts and revenue allocation areas formed after January 1, 2013, are not entitled to a payment under the provisions of this subsection.

(14) Amounts collected from purchasers and paid to the state of Idaho by retailers that are not engaged in business in this state and which retailer would not have been required to collect the sales tax, less amounts otherwise distributed in subsections (1) and (10) of this section, shall be distributed to the tax relief fund created in section 57-811, Idaho Code. The state tax commission will determine the amounts to be distributed under this subsection.

(15) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general fund.

(16) (a) One Four and five-tenths percent (4.5%), but not less than fifteen eighty million dollars (\$1580,000,000), is continuously appropriated and shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code.

(b) Any portion of the four and five-tenths percent (4.5%) provided for in paragraph (a) of this subsection that exceeds eighty million dollars (\$80,000,000) is continuously appropriated and shall be apportioned to local units of government for local highway projects in the same percentages provided for in section 40-709(1) through (3), Idaho Code. Local units of government may pool funds allocated to them pursuant to this paragraph for local highway projects.

(c) The distribution provided for in this subsection must immediately follow the distribution provided for in subsection (10) of this section.

Approved May 10, 2021

CHAPTER 340
(H.B. No. 369)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE WELFARE DIVISION FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; PROHIBITING TRANSFERS FOR TRUSTEE AND BENEFIT PAYMENTS; AND PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Welfare Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SELF-RELIANCE OPERATIONS:				
FROM:				
Cooperative Welfare (General)				
Fund	\$15,346,900	\$5,691,100		\$21,038,000
Cooperative Welfare (Dedicated)				
Fund	790,500	3,539,000		4,329,500
Cooperative Welfare (Federal)				
Fund	<u>26,737,700</u>	<u>17,497,700</u>		<u>44,235,400</u>
TOTAL	\$42,875,100	\$26,727,800		\$69,602,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. BENEFIT PAYMENTS:				
FROM:				
Cooperative Welfare (General)				
Fund			\$22,329,100	\$22,329,100
Cooperative Welfare (Dedicated)				
Fund			500,000	500,000
Cooperative Welfare (Federal)				
Fund			<u>107,294,400</u>	<u>107,294,400</u>
TOTAL			\$130,123,500	\$130,123,500
GRAND TOTAL	\$42,875,100	\$26,727,800	\$130,123,500	\$199,726,400

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 thirteen and five-tenths (613.50) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, 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 Office of 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 2022.

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.

Approved May 10, 2021

CHAPTER 341
(H.B. No. 370)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2022; AND PROVIDING GUIDANCE ON THE USE OF FUNDS.

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 \$50,000,000 from the American Rescue Plan Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022.

SECTION 2. USE OF FUNDS. Moneys appropriated in Section 1 of this act may be used to address undetermined needs related to the COVID-19 pandemic. The types of uses include but are not limited to vaccine distribution and management, personal protective equipment, communications, public safety, and related technology needs.

Approved May 10, 2021

CHAPTER 342
(H.B. No. 380)

AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-3024, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INCOME TAX ON INDIVIDUALS, ESTATES, AND TRUSTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3024B, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE 2021 IDAHO TAX REBATE FUND; AMENDING SECTION 63-3025, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CORPORATE INCOME TAX; AMENDING SECTION 57-811, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAX RELIEF FUND AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION, AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 63-3024, Idaho Code, be, and the same is hereby amended to read as follows:

63-3024. INDIVIDUALS' TAX AND TAX ON ESTATES AND TRUSTS. For taxable year 2001, and each taxable year thereafter, a tax measured by Idaho taxable income as defined in this chapter is hereby imposed upon every individual, trust, or estate required by this chapter to file a return.

(a) The tax imposed upon individuals, trusts and estates shall be computed at the following rates:

When Idaho taxable income is:	The rate is:
Less than \$1,000	One and one hundred twenty-five thousandths percent (1.125%)
\$1,000 but less than \$2,000	\$11.25, plus three and one hundred twenty-five thousandths percent (3.125%) of the amount over \$1,000
\$2,000 but less than \$3,000	\$42.50, plus three and six hundred twenty-five thousandths percent (3.625%) of the amount over \$2,000
\$3,000 but less than \$4,000	\$78.75, plus four and six hundred twenty-five thousandths percent (4.625%) of the amount over \$3,000
\$4,000 but less than \$5,000	\$125, plus five and six hundred twenty-five thousandths percent (5.625%) of the amount over \$4,000
\$5,000 but less than \$7,500	\$181.25, plus six and six hundred twenty-five thousandths percent (6.625%) of the amount over \$5,000
\$7,500 and over	\$346.88, plus six and nine hundred twenty-five thousandths percent (6.925%) of the amount over \$7,500

<u>When Idaho taxable income is:</u>	<u>The rate is:</u>
<u>Less than \$1,000</u>	<u>One percent (1%)</u>
<u>\$1,000 but less than \$3,000</u>	<u>\$10.00, plus three and one-tenth percent (3.1%) of the amount over \$1,000</u>
<u>\$3,000 but less than \$4,000</u>	<u>\$72.00, plus four and five-tenths percent (4.5%) of the amount over \$3,000</u>
<u>\$4,000 but less than \$5,000</u>	<u>\$117, plus five and five-tenths percent (5.5%) of the amount over \$4,000</u>
<u>\$5,000 and over</u>	<u>\$172, plus six and five-tenths percent (6.5%) of the amount over \$5,000</u>

For taxable year 2000 and each year thereafter, the state tax commission shall prescribe a factor which that shall be used to compute the Idaho income tax brackets provided in subsection (a) of this section. The factor shall provide an adjustment to the Idaho tax brackets so that inflation will not result in a tax increase. The Idaho tax brackets shall be adjusted as follows: multiply the bracket amounts by the percentage (the consumer price index for the calendar year immediately preceding the calendar year to which the adjusted brackets will apply divided by the consumer price index for calendar year 1998). For the purpose of this computation, the consumer price index for any calendar year is the average of the consumer price index as of the close of the twelve (12) month period for the immediately preceding calendar year, without regard to any subsequent adjustments, as adopted by the state tax commission. This adoption shall be exempt from the provisions of chapter 52, title 67, Idaho Code. The consumer price index shall mean the consumer price index for all U.S. urban consumers published by the United States department of labor. The state tax commission shall annually include the factor as provided in this subsection to multiply against Idaho taxable income in the brackets above to arrive at that year's Idaho taxable income for tax bracket purposes.

(b) In case a joint return is filed by husband and wife pursuant to the provisions of section 63-3031, Idaho Code, the tax imposed by this section shall be twice the tax which would be imposed on one-half (1/2) of the aggregate Idaho taxable income. For the purposes of this section, a return of a surviving spouse, as defined in section 2(a) of the Internal Revenue Code, and a head of household, as defined in section 2(b) of the Internal Revenue Code, shall be treated as a joint return and the tax imposed shall be twice the tax which would be imposed on one-half (1/2) of the Idaho taxable income.

(c) In the case of a trust that is an electing small business trust as defined in section 1361 of the Internal Revenue Code, the special rules for taxation of such trusts contained in section 641 of the Internal Revenue Code shall apply except that the maximum individual rate provided in this section shall apply in computing tax due under this chapter.

(d) The state tax commission shall compute and publish Idaho income tax liability for taxpayers at the midpoint of each bracket of Idaho taxable income in fifty dollar (\$50.00) steps to fifty thousand dollars (\$50,000), rounding such calculations to the nearest dollar. Taxpayers having income within such brackets shall file returns based upon and pay taxes according to the schedule thus established. The state tax commission shall promulgate rules defining the conditions upon which such returns shall be filed.

SECTION 2. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3024B, Idaho Code, and to read as follows:

63-3024B. 2021 IDAHO TAX REBATE FUND. (1) There is hereby created in the state treasury the 2021 Idaho tax rebate fund for the purpose of implementing the provisions of this section. Up to two hundred twenty million dollars (\$220,000,000), less administrative costs, shall be distributed by the state tax commission to pay rebates to individual taxpayers as provided in this section, which moneys are continuously appropriated.

(2) After filing a 2020 Idaho individual income tax return or form 24, any full-year resident taxpayer who also filed an individual income tax return or a form 24 for 2019 shall receive a onetime, nontaxable income tax rebate check in an amount approximately equal to nine percent (9%) of the tax amount, if any, reported on 2019 form 40, line 20, or for service members on 2019 form 43, line 42, or fifty dollars (\$50.00) per taxpayer and each dependent, whichever is more.

SECTION 3. That Section 63-3025, Idaho Code, be, and the same is hereby amended to read as follows:

63-3025. TAX ON CORPORATE INCOME. (1) For taxable years commencing on and after January 1, 2001, a tax is hereby imposed on the Idaho taxable income of a corporation, other than an S corporation, which transacts or is authorized to transact business in this state or which has income attributable to this state. The tax shall be equal to six and ~~nine hundred twenty-five thousandths~~ five-tenths percent (6.925%) of Idaho taxable income.

(2) In the case of an S corporation that is required to file a return under section 63-3030, Idaho Code, a tax is hereby imposed at the rate provided in subsection (1) of this section upon both:

(a) Net recognized built-in gain attributable to this state. The amount of net recognized built-in gain attributable to this state shall be computed in accordance with section 1374 of the Internal Revenue Code subject to the apportionment and allocation provisions of section 63-3027, Idaho Code.

(b) Excess net passive income attributable to this state. The amount of excess net passive income attributable to this state shall be computed in accordance with section 1375 of the Internal Revenue Code subject to the apportionment and allocation provisions of section 63-3027, Idaho Code.

(3) The tax imposed by subsection (1) or (2) of this section shall not be less than twenty dollars (\$20.00); provided further that the twenty dollar (\$20.00) minimum payment shall not be collected from nonproductive mining corporations.

(4) The tax imposed by this section shall not apply to corporations taxed pursuant to the provisions of section 63-3025A, Idaho Code.

SECTION 4. That Section 57-811, Idaho Code, be, and the same is hereby amended to read as follows:

57-811. TAX RELIEF FUND. (1) 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.

(2) On July 15, 2021, the state controller shall transfer one hundred eighty million dollars (\$180,000,000) from the tax relief fund to the 2021 Idaho tax rebate fund.

(3) For fiscal year 2022 and each fiscal year thereafter, the state controller shall transfer one hundred ten million dollars (\$110,000,000) from the tax relief fund to the general fund.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 3 of this act shall be in full force and effect on and after passage and approval, and retroactively to January 1, 2021. Sections 2 and 4 of this act shall be in full force and effect on and after July 1, 2021.

Approved May 10, 2021

CHAPTER 343
(H.B. No. 381)

AN ACT

RELATING TO MOTOR VEHICLES; REPEALING SECTION 3, CHAPTER 180, LAWS OF 2019, RELATING TO THE REPEAL OF SECTION 49-1004A, IDAHO CODE; REPEALING SECTION 49-1004A, IDAHO CODE, AS ENACTED BY SECTION 4, CHAPTER 180, LAWS OF 2019, RELATING TO NEW SPECIAL ROUTE DESIGNATIONS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 3, Chapter 180, Laws of 2019, be, and the same is hereby repealed.

SECTION 2. That Section 49-1004A, Idaho Code, as enacted by Section 4, Chapter 180, Laws of 2019, be, and the same is hereby repealed.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to April 15, 2021.

Approved May 10, 2021

CHAPTER 344
(H.B. No. 383)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2022; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Office of the Lieutenant Governor the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2021, through June 30, 2022:

FOR:

Personnel Costs	\$167,900
Operating Expenditures	<u>15,200</u>
TOTAL	\$183,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the Lieutenant Governor is authorized no more than three (3.00) full-time equivalent positions at any point during the period July 1, 2021, through June 30, 2022, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. The Office of the Lieutenant Governor is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to it for the period July 1, 2021, through June 30, 2022. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved May 10, 2021

CHAPTER 345
(H.B. No. 385)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2022; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2022; DIRECTING THE USE OF MONEYS FOR PROFESSIONAL DEVELOPMENT; DEFINING "DISTRIBUTED"; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2021; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program's Division of Teachers for the period July 1, 2021, through June 30, 2022:

FROM:

General Fund	\$1,113,186,900
Federal COVID-19 Relief Fund	9,000,000
Federal Grant Fund	<u>11,000,000</u>
TOTAL	\$1,133,186,900

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2021, through June 30, 2022:

FROM:

General Fund	\$1,113,186,900
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Teachers the following amounts to be expended from the listed funds for the period July 1, 2021, through June 30, 2022:

FROM:

Public School Income Fund	\$1,113,186,900
Federal COVID-19 Relief Fund	9,000,000
Federal Grant Fund	<u>11,000,000</u>
TOTAL	\$1,133,186,900

SECTION 4. PROFESSIONAL DEVELOPMENT. Of the moneys appropriated in Section 3 of this act, \$10,850,000 from the Public School Income Fund shall be distributed for professional development that supports instructors and pupil services staff to increase student learning, mentoring, and collaboration. Professional development efforts should be measurable, provide the instructors and pupil services staff with a clear understanding of their progress, be incorporated into their performance evaluations, and, to the extent possible, be included in the school district or public charter school continuous improvement plans required by Section 33-320, Idaho Code. Funding shall be distributed by a formula prescribed by the Department of Education, and the Department of Education shall track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 5. DEFINITION. For the purposes of this act, "distributed" means moneys that are transferred to school districts and public charter schools, with no funds withheld for any other contract or administrative costs.

SECTION 6. In addition to the appropriation made in Section 3, Chapter 299, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Teachers \$3,634,700 from the Federal COVID-19 Relief Fund for the period July 1, 2020, through June 30, 2021.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 of this act shall be in full force and effect on and after passage and approval. Sections 1, 2, 3, 4, and 5 of this act shall be in full force and effect on and after July 1, 2021.

Approved May 10, 2021

CHAPTER 346
(H.B. No. 386)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS; CLARIFYING USES FOR CLASSROOM TECHNOLOGY FUNDS FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. CLASSROOM TECHNOLOGY. Notwithstanding the provisions of Section 7 of House Bill 355, as enacted by the First Regular Session of the Sixty-sixth Idaho Legislature, and any other provision of law to the contrary, of the moneys appropriated in Section 3 of said bill, \$26,500,000 from the Public School Income Fund shall be distributed for classroom technology, classroom technology infrastructure, wireless technology infrastructure, and learning management systems that assist teachers and students in effective and efficient instruction or learning. Funding shall be distributed based on a formula prescribed by the Department of Education. Moneys so distributed shall be used to implement and operate a learning management system of each school district's or public charter school's choice. A learning management system shall include integration with a school district's or public charter school's Student Information System (SIS) and shall administer, monitor, and document student and classroom levels of learning. The Department of Education shall verify that school districts and public charter schools are using funds to purchase a learning management system that is compliant with these standards.

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 July 1, 2021.

Approved May 10, 2021

CHAPTER 347
(H.B. No. 387)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; 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 2022; PROVIDING REAPPROPRIATION AUTHORITY; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING REQUIREMENTS FOR SYSTEMWIDE NEEDS; DIRECTING AN ADJUSTMENT FOR STUDENT TUITION AND FEES FOR FISCAL YEAR 2022; PROVIDING REPORTING REQUIREMENTS; APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR COLLEGE AND UNIVERSITIES AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2021; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOISE STATE UNIVERSITY:					
FROM:					
General					
Fund	\$97,513,800	\$8,416,600	\$3,757,800		\$109,688,200
Unrestricted					
Fund	99,939,400	31,813,900	137,400		131,890,700
Federal COVID-19 Relief					
Fund	<u>0</u>	<u>22,221,300</u>	<u>0</u>		<u>22,221,300</u>
TOTAL	\$197,453,200	\$62,451,800	\$3,895,200		\$263,800,200
II. IDAHO STATE UNIVERSITY:					
FROM:					
General					
Fund	\$82,070,600	\$1,521,400			\$83,592,000
Charitable Institutions Endowment Income					
Fund	1,647,700				1,647,700
Normal School Endowment Income					
Fund	2,743,800				2,743,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Unrestricted					
Fund	29,744,500	20,981,200	\$3,629,400		54,355,100
Federal COVID-19 Relief					
Fund	<u>0</u>	<u>350,000</u>	<u>0</u>		<u>350,000</u>
TOTAL	\$116,206,600	\$22,852,600	\$3,629,400		\$142,688,600
 III. UNIVERSITY OF IDAHO:					
FROM:					
General					
Fund	\$84,137,700	\$7,496,700	\$3,491,500		\$95,125,900
Agricultural College Endowment Income					
Fund	940,100	473,000	246,900		1,660,000
Scientific School Endowment Income					
Fund	3,468,500	2,267,000			5,735,500
University Endowment Income					
Fund		4,196,700	905,300		5,102,000
Unrestricted					
Fund	50,749,000	10,952,700			61,701,700
Federal COVID-19 Relief					
Fund	<u>0</u>	<u>4,000,000</u>	<u>0</u>		<u>4,000,000</u>
TOTAL	\$139,295,300	\$29,386,100	\$4,643,700		\$173,325,100
 IV. LEWIS-CLARK STATE COLLEGE:					
FROM:					
General					
Fund	\$15,915,400	\$2,119,700	\$425,300		\$18,460,400
Normal School Endowment Income					
Fund		2,743,800			2,743,800
Unrestricted					
Fund	14,000,400	2,350,200	23,800		16,374,400
Federal COVID-19 Relief					
Fund	<u>0</u>	<u>6,218,700</u>	<u>0</u>		<u>6,218,700</u>
TOTAL	\$29,915,800	\$13,432,400	\$449,100		\$43,797,300
 V. SYSTEMWIDE PROGRAMS:					
FROM:					
General					
Fund		\$2,167,900		\$4,074,800	\$6,242,700
GRAND TOTAL	\$482,870,900	\$130,290,800	\$12,617,400	\$4,074,800	\$629,853,900

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 2021 to be used for nonrecurring expenditures for the period July 1, 2021, through June 30, 2022. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. The State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education are hereby exempted from the provisions of Section 67-3511(1), (2), and (3), Idaho Code, allowing unlimited transfers between object codes and between programs for all moneys appropriated to them for the period July 1, 2021, through June 30, 2022. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. SYSTEMWIDE NEEDS. Of the amount appropriated in Section 1, Subsection V. of this act, the following amounts may be used as follows: (1) an amount not to exceed \$902,600 may be used by the Office of the State Board of Education for systemwide needs that benefit all of the four-year institutions, including but not limited to projects to promote accountability and information transfer throughout the higher education system; and (2) an amount of approximately \$1,960,500 may be used for the mission and goals of the Higher Education Research Council as outlined in State Board of Education Policy III.W., which includes awards for infrastructure, matching grants, and competitive grants through the Idaho Incubation Fund program.

SECTION 5. STUDENT TUITION AND FEES FOR FISCAL YEAR 2022. 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 2022. Each of the institutions' budget requests for fiscal year 2023 shall reflect all adjustments so approved by the Division of Financial Management.

SECTION 6. STUDENT FEE REPORT. As soon as practicable, the State Board of Education shall: (1) make easily accessible a break out of student activity fees on the institutions' websites; (2) develop a common naming convention for similar activity fees across the institutions; and (3) evaluate the current lists of activity fees assessed to students and determine how and which fees supporting student activities, clubs, and organizations focused on individual beliefs and values can be structured to address the need for access, affordability, and choice. The State Board of Education shall report results of this work to the Joint Finance-Appropriations Committee and the House and Senate Education Committees no later than December 17, 2021.

SECTION 7. In addition to the appropriation made in Section 1, Chapter 309, Laws of 2020, and any other appropriation provided by law, 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 \$49,402,500 from the Federal COVID-19 Relief Fund to be expended for operating expenditures for the period July 1, 2020, through June 30, 2021.

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. Sections 1, 2, 3, 4, 5, and 6 of this act shall be in full force and effect on and after July 1, 2021.

Approved May 10, 2021

CHAPTER 348
(H.B. No. 388)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2022; ACKNOWLEDGING THE ONETIME NATURE OF FEDERAL RELIEF FUNDS; AMENDING SECTION 33-907, IDAHO CODE, TO PROHIBIT WITHDRAWALS FROM THE PUBLIC EDUCATION STABILIZATION FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 Children's Programs \$454,031,900 from the American Rescue Plan Fund to be expended for the period July 1, 2021, through June 30, 2022.

SECTION 2. ONETIME FEDERAL RELIEF FUNDS. All moneys appropriated in Section 1 of this act are for the onetime purpose of enhancements to existing programs or onetime federal relief due to the COVID-19 pandemic. Appropriating these funds does not obligate the state for future state-funded support for these purposes, and each local education agency that receives these funds shall acknowledge the onetime nature of this funding and expend these funds accordingly.

SECTION 3. That Section 33-907, Idaho Code, be, and the same is hereby amended to read as follows:

33-907. PUBLIC EDUCATION STABILIZATION FUND. (1) There is hereby created in the state treasury a fund to be known as the public education stabilization fund, which shall function as a fund detail of the public school income fund. The fund shall consist of moneys transferred to the fund according to the provisions of sections 33-905, 33-1018 and 33-1018C, Idaho Code, and any other moneys made available through legislative transfers or appropriations. Moneys in the fund are hereby continuously appropriated for the purposes stated in sections 33-1018 and 33-1018B, Idaho Code, and shall only be expended for the purposes stated in sections 33-1018, 33-1018A and 33-1018B, Idaho Code. Any accumulated balances in the fund that are in excess of eight and one-third percent (8.334%) of the current fiscal year's total appropriation of state funds for public school support shall be transferred to the bond levy equalization fund. Interest earned from the investment of moneys in the fund shall be retained in the fund.

(2) For the period July 1, 2021, through June 30, 2023, no moneys from the public education stabilization fund shall be withdrawn for any purpose, including those in sections 33-1018, 33-1018A, and 33-1018B, Idaho Code, and any other law or rule to the contrary, for encumbered obligations and unencumbered expenditures associated with state funds appropriated for fiscal year 2022. The state department of education shall prorate any negative variance pursuant to section 33-1018, Idaho Code, by a formula prescribed by the state department of education.

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 July 1, 2021.

Approved May 10, 2021

CHAPTER 349
(H.B. No. 395)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 for the Division of Welfare the following amounts to be expended according to the designated programs and expense classes from the listed fund for the period July 1, 2021, through June 30, 2022:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SELF-RELIANCE OPERATIONS:			
FROM:			
Cooperative Welfare (Federal)			
Fund	\$13,891,700		\$13,891,700
II. BENEFIT PAYMENTS:			
FROM:			
Cooperative Welfare (Federal)			
Fund		\$56,108,300	\$56,108,300
GRAND TOTAL	\$13,891,700	\$56,108,300	\$70,000,000

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 July 1, 2021.

Approved May 10, 2021

CHAPTER 350
(H.B. No. 396)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2022; APPROPRIATING MONEYS TO THE PUBLIC HEALTH DISTRICTS AND APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PUBLIC HEALTH TRUST FUND; APPROPRIATING MONEYS TO THE PUBLIC HEALTH DISTRICTS FROM THE IDAHO MILLENNIUM INCOME FUND FOR FISCAL YEAR 2022; PROVIDING FUNDING FOR CITIZEN REVIEW PANELS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Health Districts and the Office of the State Controller shall transfer \$6,846,800 from the General Fund to the Public Health Trust Fund in accordance with the provisions of Section 39-425, Idaho Code, on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 2. There is hereby appropriated to the Public Health Districts \$779,100 from the Idaho Millennium Income Fund for the period July 1, 2021, through June 30, 2022, for the purpose of no-cost cessation services to Idahoans who want to quit tobacco use, with a primary emphasis on youth and pregnant women. These moneys shall not be considered general state aid for the purpose of Section 39-425, Idaho Code.

SECTION 3. CITIZEN REVIEW PANELS. Of the amount appropriated in Section 1 of this act, \$136,500 shall be distributed to each public health district at one-seventh (1/7) of the total amount, which shall be used for the Citizen Review Panels pursuant to Senate Bill No. 1341, as enacted by the Second Regular Session of the Sixty-fourth Idaho Legislature. These moneys received by the public health districts shall not be considered general state aid for the purpose of Section 39-425, Idaho Code, nor shall the moneys be allocated through a board of trustees formula pursuant to Section 39-411, Idaho Code.

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 July 1, 2021.

Approved May 10, 2021

CHAPTER 351
(H.B. No. 398)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 Children's Programs \$2,881,900 from the American Rescue Plan Fund for the period July 1, 2021, through June 30, 2022.

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 July 1, 2021.

Approved May 10, 2021

CHAPTER 352
(H.B. No. 399)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION ON AGING FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 Commission on Aging \$2,886,200 from the American Rescue Plan Fund to be expended for trustee and benefit payments for the period July 1, 2021, through June 30, 2022.

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 July 1, 2021.

Approved May 10, 2021

CHAPTER 353
(H.B. No. 400)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2021; PROVIDING GUIDELINES FOR COMMUNITY PARTNER GRANTS; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 229, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Welfare the following amounts to be expended according to the designated programs and expense classes from the listed fund for the period July 1, 2020, through June 30, 2021:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. DIVISION OF WELFARE:			
A. SELF-RELIANCE OPERATIONS:			
FROM:			
Cooperative Welfare (Federal) Fund	\$5,200,000		\$5,200,000
B. BENEFIT PAYMENTS:			
FROM:			
Cooperative Welfare (Federal) Fund		\$30,800,000	\$30,800,000
GRAND TOTAL	\$5,200,000	\$30,800,000	\$36,000,000

SECTION 2. GUIDELINES FOR COMMUNITY PARTNER GRANTS. Of the moneys appropriated in Section 1 of this act, \$36,000,000 shall be used for community provider grants to address COVID-19 pandemic impacts on school-aged children, including learning loss. Community provider grants shall be used only for in-person educational and enrichment activities that focus on student needs and for providing behavioral health supports to address student needs. Grants shall be used for serving school-aged participants ages 5 through 13 years, as allowable by federal guidance. The Department of Health and Welfare shall require grant applications from community providers that are in compliance with grant guidelines. Priority will be given to grant applications that include professional staff to provide services directly to participants. Grant amounts shall be: up to \$500,000 for community providers who have a statewide presence; up to \$250,000 for community providers who have a regional presence in one part of the state; and up to \$20,000 for community providers with a local presence. Grants shall be released not later than June 1, 2021, for summer 2021 grants; September 1, 2021, for fall 2021 grants; January 1, 2022, for spring 2022 grants; and May 1, 2022, for summer 2022 grants. All spending for this purpose shall conclude by June 30, 2022.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Health and Welfare for the Division of Welfare any unexpended and unencumbered balances appropriated to the Department of Health and Welfare for the Division of Welfare from the Cooperative Welfare (Federal) Fund for child care community partner grants for fiscal year 2021, in an amount not to exceed \$30,000,000 from the Cooperative Welfare (Federal) Fund, to be used for nonrecurring expenditures related to child care community partner grants for the period July 1, 2021, through June 30, 2022. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval. Section 3 of this act shall be in full force and effect on and after July 1, 2021.

Approved May 10, 2021

CHAPTER 354
(H.B. No. 401)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 Transportation Department for the Contract Construction and Right-of-Way Acquisition Program \$40,000,000 from the Transportation Expansion and Congestion Mitigation Fund to be expended for capital outlay for the period July 1, 2021, through June 30, 2022.

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 July 1, 2021.

Approved May 10, 2021

CHAPTER 355
(H.B. No. 393)

AN ACT

RELATING TO THE STATE DISASTER PREPAREDNESS ACT; AMENDING SECTION 46-1008, IDAHO CODE, TO REVISE A PROVISION REGARDING THE GOVERNOR'S POWERS DURING A DISASTER EMERGENCY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 46-1008, Idaho Code, be, and the same is hereby amended to read as follows:

46-1008. THE GOVERNOR AND DISASTER EMERGENCIES. (1) Under this act, the governor may issue executive orders, proclamations and amend or rescind them. Executive orders and proclamations have the force and effect of law; provided, however, that any such orders, proclamations, or rules must be essential to protect life or property from the occurrence or imminent threat of the state of disaster emergency threatening the safety of persons or property within the state and must be narrowly tailored to effectively protect life or property without placing unnecessary restrictions on the ability for a person or persons, regardless of job type or classification, to work, provide for their families, or otherwise contribute to the economy of the state of Idaho.

(2) A disaster emergency shall be declared by executive order or proclamation of the governor if he finds a disaster has occurred or that the occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat or danger has passed, or the disaster has been dealt with to the extent that emergency conditions no longer exist, and when either or both of these events occur, the governor shall terminate the state of disaster emergency by executive order or proclamation; provided, however, that no state of disaster emergency may continue for longer than thirty (30) days unless the governor finds that it should be continued for another thirty (30) days or any part thereof. The legislature by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened, the area subject to the proclamation, and the conditions which are causing the disaster. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and unless the circumstances attendant upon the disaster prevent or impede, be promptly filed with the Idaho office of emergency management, the office of the secretary of state and the office of the recorder of each county where the state of disaster emergency applies.

(3) An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the state, local and intergovernmental disaster emergency plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this act or any other provision of law relating to disaster emergencies.

(4) During the continuance of any state of disaster emergency, the governor is commander-in-chief of the militia and may assume command of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but nothing herein restricts his authority to do so by orders issued at the time of the disaster emergency.

(5) In addition to any other powers conferred upon the governor by law, he may:

(a) Suspend the provisions of any regulations prescribing the procedures for conduct of public business that would in any way prevent, hinder, or delay necessary action in coping with the emergency;

(b) Utilize all resources of the state, including, but not limited to, those sums in the disaster emergency account as he shall deem necessary to pay obligations and expenses incurred during a declared state of disaster emergency;

(c) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(d) Subject to any applicable requirements for compensation under section 46-1012, Idaho Code, commandeer or utilize any private property, real or personal, if he finds this necessary to cope with the disaster emergency;

(e) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if he deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery;

(f) Prescribe routes, modes of transportation, and destinations in connection with evacuation;

(g) Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;

(h) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives, and combustibles;

(i) Make provision for the availability and use of temporary emergency housing.

(6) Whenever an emergency or a disaster has been declared to exist in Idaho by the president under the provisions of the disaster relief act of 1974 (public law 93-288, 42 U.S.C. 5121), as amended, the governor may:

(a) Enter into agreements with the federal government for the sharing of disaster recovery expenses involving public facilities;

(b) Require as a condition of state assistance that a local taxing district be responsible for paying forty percent (40%) of the nonfederal share of costs incurred by the local taxing district that have been determined to be eligible for reimbursement by the federal government, provided that the total local share of eligible costs for a taxing district shall not exceed ten percent (10%) of the taxing district's tax charges authorized by section 63-802, Idaho Code;

(c) Obligate the state to pay the balance of the nonfederal share of eligible costs within local taxing entities qualifying for federal assistance; and

(d) Enter into agreements with the federal government for the sharing of disaster assistance expenses to include individual and family grant programs.

(7) During the continuance of any state of disaster emergency, neither the governor nor any agency of any governmental entity or political subdivision of the state shall impose restrictions on the lawful possession, transfer, sale, transport, storage, display or use of firearms or ammunition.

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 May 10, 2021

CHAPTER 356
(H.B. No. 392)

AN ACT

RELATING TO THE STATE DISASTER PREPAREDNESS ACT; AMENDING SECTION 46-1008, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE GOVERNOR'S POWERS DURING A DISASTER EMERGENCY AND TO PROVIDE THAT THE GOVERNOR MAY NOT ALTER, ADJUST, OR CREATE ANY PROVISION OF THE IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 46-1008, Idaho Code, be, and the same is hereby amended to read as follows:

46-1008. THE GOVERNOR AND DISASTER EMERGENCIES. (1) Under this act, the governor may issue executive orders, proclamations and amend or rescind them. Executive orders and proclamations have the force and effect of law.

(2) A disaster emergency shall be declared by executive order or proclamation of the governor if he finds a disaster has occurred or that the occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat or danger has passed, or the disaster has been dealt with to the extent that emergency conditions no longer exist, and when either or both of these events occur, the governor shall terminate the state of disaster emergency by executive order or proclamation; provided, however, that no state of disaster emergency may continue for longer than thirty (30) days unless the governor finds that it should be continued for another thirty (30) days or any part thereof. The legislature by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened, the area subject to the proclamation, and the conditions which are causing the disaster. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and unless the circumstances attendant upon the disaster prevent or impede, be promptly filed with the Idaho office of emergency management, the office of the secretary of state and the office of the recorder of each county where the state of disaster emergency applies.

(3) An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the state, local and intergovernmental disaster emergency plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this act or any other provision of law relating to disaster emergencies.

(4) During the continuance of any state of disaster emergency, the governor is commander-in-chief of the militia and may assume command of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations rules, but nothing herein restricts his authority to do so by orders issued at the time of the disaster emergency.

(5) In addition to any other powers conferred upon the governor by law, he may:

(a) Suspend the provisions of any regulations rules prescribing the procedures for conduct of public business that would in any way prevent, hinder, or delay necessary action in coping with the emergency;

(b) Utilize all resources of the state, including, but not limited to, those sums in the disaster emergency account as he shall deem necessary to pay obligations and expenses incurred during a declared state of disaster emergency;

(c) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(d) Subject to any applicable requirements for compensation under section 46-1012, Idaho Code, commandeer or utilize any private property, real or personal, if he finds this necessary to cope with the disaster emergency;

(e) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if he deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery;

(f) Prescribe routes, modes of transportation, and destinations in connection with evacuation;

(g) Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;

(h) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives, and combustibles;

(i) Make provision for the availability and use of temporary emergency housing.

(6) Whenever an emergency or a disaster has been declared to exist in Idaho by the president under the provisions of the disaster relief act of 1974 (public law 93-288, 42 U.S.C. 5121), as amended, the governor may:

(a) Enter into agreements with the federal government for the sharing of disaster recovery expenses involving public facilities;

(b) Require as a condition of state assistance that a local taxing district be responsible for paying forty percent (40%) of the nonfederal share of costs incurred by the local taxing district that have been determined to be eligible for reimbursement by the federal government, provided that the total local share of eligible costs for a taxing district shall not exceed ten percent (10%) of the taxing district's tax charges authorized by section 63-802, Idaho Code;

(c) Obligate the state to pay the balance of the nonfederal share of eligible costs within local taxing entities qualifying for federal assistance; and

(d) Enter into agreements with the federal government for the sharing of disaster assistance expenses to include individual and family grant programs.

(7) During the continuance of any state of disaster emergency, neither the governor nor any agency of any governmental entity or political subdivision of the state shall impose restrictions on the lawful possession, transfer, sale, transport, storage, display or use of firearms or ammunition.

(8) During any state of disaster emergency, the governor may not alter, adjust, or create any provision of the Idaho Code.

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

Approved May 10, 2021

CHAPTER 357
(H.B. No. 391)

AN ACT

RELATING TO THE STATE DISASTER PREPAREDNESS ACT; AMENDING SECTION 46-1008, IDAHO CODE, TO REVISE A PROVISION REGARDING THE GOVERNOR'S POWERS DURING A DISASTER EMERGENCY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 46-1008, Idaho Code, be, and the same is hereby amended to read as follows:

46-1008. THE GOVERNOR AND DISASTER EMERGENCIES. (1) Under this act, the governor may issue executive orders, proclamations and amend or rescind them. Executive orders and proclamations have the force and effect of law.

(2) A disaster emergency shall be declared by executive order or proclamation of the governor if he finds a disaster has occurred or that the occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat or danger has passed, or the disaster has been dealt with to the extent that emergency conditions no longer exist, and when either or both of these events occur, the governor shall terminate the state of disaster emergency by executive order or proclamation; provided, however, that no state of disaster emergency may continue for longer than thirty (30) days unless the governor finds that it should be continued for another thirty (30) days or any part thereof. The legislature by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened, the area subject to the proclamation, and the conditions which are causing the disaster. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and unless the circumstances attendant upon the disaster prevent or impede, be promptly filed with the Idaho office of emergency management, the office of the secretary of state and the office of the recorder of each county where the state of disaster emergency applies.

(3) An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the state, local and intergovernmental disaster emergency plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this act or any other provision of law relating to disaster emergencies.

(4) During the continuance of any state of disaster emergency, the governor is commander-in-chief of the militia and may assume command of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but nothing herein restricts his authority to do so by orders issued at the time of the disaster emergency.

(5) In addition to any other powers conferred upon the governor by law, he may:

(a) Suspend the provisions of any regulations prescribing the procedures for conduct of public business that would in any way prevent, hinder, or delay necessary action in coping with the emergency;

(b) Utilize all resources of the state, including, but not limited to, those sums in the disaster emergency account as he shall deem necessary to pay obligations and expenses incurred during a declared state of disaster emergency;

(c) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(d) Subject to any applicable requirements for compensation under section 46-1012, Idaho Code, commandeer or utilize any private property, real or personal, if he finds this necessary to cope with the disaster emergency;

(e) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if he deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery;

(f) Prescribe routes, modes of transportation, and destinations in connection with evacuation;

(g) Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;

(h) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives, and combustibles;

(i) Make provision for the availability and use of temporary emergency housing.

(6) Whenever an emergency or a disaster has been declared to exist in Idaho by the president under the provisions of the disaster relief act of 1974 (public law 93-288, 42 U.S.C. 5121), as amended, the governor may:

(a) Enter into agreements with the federal government for the sharing of disaster recovery expenses involving public facilities;

(b) Require as a condition of state assistance that a local taxing district be responsible for paying forty percent (40%) of the nonfederal share of costs incurred by the local taxing district that have been determined to be eligible for reimbursement by the federal government, provided that the total local share of eligible costs for a taxing district shall not exceed ten percent (10%) of the taxing district's tax charges authorized by section 63-802, Idaho Code;

(c) Obligate the state to pay the balance of the nonfederal share of eligible costs within local taxing entities qualifying for federal assistance; and

(d) Enter into agreements with the federal government for the sharing of disaster assistance expenses to include individual and family grant programs.

(7) During the continuance of any state of disaster emergency, neither the governor nor any agency of any governmental entity or political subdivision of the state shall impose or enforce any additional restrictions on the lawful manufacturing, possession, transfer, sale, transport, storage, display or use of firearms or ammunition or otherwise limit or suspend any rights guaranteed by the United States constitution or the constitution of the state of Idaho, including but not limited to the right to peaceable assembly or free exercise of religion.

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 May 10, 2021

CHAPTER 358
(H.B. No. 394)

AN ACT

RELATING TO EFFECTIVE DATES; AMENDING CHAPTER 3, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 3, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 7, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 6, CHAPTER 7, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 9, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 9, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 10, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 10, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 11, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 6, CHAPTER 11, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 18, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 4, CHAPTER 18, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 19, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 5, CHAPTER 19, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 21, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 21, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 22, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 8, CHAPTER 22, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 27, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 27, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 28, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 28, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 29, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 29, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 31, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 31, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 32, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 32, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 33, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 33, LAWS OF 2021, TO

LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 274, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 274, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 275, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 275, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 276, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 276, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 277, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 4, CHAPTER 277, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 278, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 278, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 279, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 4, CHAPTER 279, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING SECTION 9, CHAPTER 280, LAWS OF 2021, TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 281, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 8, CHAPTER 281, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 282, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 282, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 284, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 284, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING SECTION 5, CHAPTER 285, LAWS OF 2021, TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 287, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 287, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 288, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 7, CHAPTER 288, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 3, Laws of 2021 (S.B. 1004, relating to the twenty-seventh payroll fund), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 3, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 2. That Chapter 7, Laws of 2021 (S.B. 1012, relating to dentists), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6, Chapter 7, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 3. That Chapter 9, Laws of 2021 (S.B. 1037, relating to hospitalization of the mentally ill), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 9, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 4. That Chapter 10, Laws of 2021 (S.B. 1036, relating to temporary guardians), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 10, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 5. That Chapter 11, Laws of 2021 (S.B. 1017, relating to uniform controlled substances), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6, Chapter 11, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 6. That Chapter 18, Laws of 2021 (H.B. 28, relating to the juvenile corrections act), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 18, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 7. That Chapter 19, Laws of 2021 (H.B. 26, relating to the juvenile corrections act), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 19, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 8. That Chapter 21, Laws of 2021 (S.B. 1016, relating to the respiratory care practice act), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 21, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 9. That Chapter 22, Laws of 2021 (S.B. 1038, relating to public assistance), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 8, Chapter 22, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 10. That Chapter 27, Laws of 2021 (H.B. 23, relating to endowment land), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 27, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 11. That Chapter 28, Laws of 2021 (H.B. 24, relating to the Idaho board of scaling practices), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 28, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 12. That Chapter 29, Laws of 2021 (H.B. 27, relating to judicial districts), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 29, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 13. That Chapter 31, Laws of 2021 (H.B. 32, relating to sales taxes), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 31, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 14. That Chapter 32, Laws of 2021 (H.B. 35, relating to health), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 32, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 15. That Chapter 33, Laws of 2021 (H.B. 36, relating to the state registrar of vital statistics), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 33, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 16. That Chapter 34, Laws of 2021 (H.B. 37, relating to nurses), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 34, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 17. That Chapter 35, Laws of 2021 (H.B. 39, relating to controlled substances), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6, Chapter 35, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 18. That Chapter 36, Laws of 2021 (H.B. 43, relating to water), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7, Chapter 36, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 19. That Chapter 38, Laws of 2021 (H.B. 50, relating to the Idaho food quality assurance institute), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 38, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 20. That Chapter 40, Laws of 2021 (H.B. 64, relating to veterinary medicine), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 14, Chapter 40, Laws of 2021, and to read as follows:

SECTION 14. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 21. That Chapter 41, Laws of 2021 (H.B. 79, relating to the annuity consumer protections act), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 11, Chapter 41, Laws of 2021, and to read as follows:

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 22. That Section 10, Chapter 42, Laws of 2021 (H.B. 78, relating to insurance), be, and the same is hereby amended to read as follows:

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 4, 5, 6, 7, 8, and 9 of this act shall be in full force and effect on and after July 1, 2021. Section 3 of this act shall be in full force and effect on and after January 1, 2022.

SECTION 23. That Chapter 46, Laws of 2021 (H.B. 115, relating to hospitals), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 46, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 24. That Chapter 54, Laws of 2021 (H.B. 40, relating to pharmacists), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41, Chapter 54, Laws of 2021, and to read as follows:

SECTION 41. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 25. That Chapter 55, Laws of 2021 (H.B. 38, relating to the Idaho telehealth access act), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 55, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 26. That Chapter 58, Laws of 2021 (S.B. 1049, relating to banks), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 58, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 27. That Chapter 60, Laws of 2021 (S.B. 1093, relating to physician assistants), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 60, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 28. That Chapter 62, Laws of 2021 (H.B. 25, relating to state parks), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 10, Chapter 62, Laws of 2021, and to read as follows:

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 29. That Chapter 63, Laws of 2021 (H.B. 46, relating to the military), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 63, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 30. That Chapter 64, Laws of 2021 (H.B. 51, relating to dairies), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 64, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 31. That Chapter 65, Laws of 2021 (H.B. 57, relating to water), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 8, Chapter 65, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 32. That Chapter 66, Laws of 2021 (H.B. 75, relating to claims for wages), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 66, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 33. That Chapter 67, Laws of 2021 (H.B. 80, relating to insurance), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 67, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 34. That Chapter 69, Laws of 2021 (H.B. 128, relating to vehicle titles), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 69, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 35. That Chapter 70, Laws of 2021 (H.B. 136, relating to elections), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 70, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 36. That Chapter 71, Laws of 2021 (H.B. 141aa, relating to public procurement), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 71, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 37. That Chapter 73, Laws of 2021 (H.B. 208, relating to pharmacists), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 73, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 38. That Chapter 74, Laws of 2021 (H.B. 224, relating to the appropriation to the commission on Hispanic affairs for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 74, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 39. That Chapter 76, Laws of 2021 (H.B. 228, relating to the appropriation to the department of juvenile corrections for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 76, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 40. That Chapter 77, Laws of 2021 (H.B. 230, relating to the appropriation to the state appellate public defender for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 77, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 41. That Chapter 78, Laws of 2021 (H.B. 261, relating to the appropriation to the commission of pardons and parole for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 78, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 42. That Chapter 79, Laws of 2021 (H.B. 263, relating to the appropriation to the workforce development council for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 79, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 43. That Chapter 80, Laws of 2021 (H.B. 269, relating to the appropriation to the public defense commission for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 80, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 44. That Chapter 81, Laws of 2021 (H.B. 270, relating to the appropriation to the commission on the arts for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 81, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 45. That Chapter 82, Laws of 2021 (S.B. 1010, relating to worker's compensation), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6, Chapter 82, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 46. That Chapter 83, Laws of 2021 (S.B. 1009, relating to the state fire marshal), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 83, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 47. That Chapter 85, Laws of 2021 (H.B. 95, relating to the district magistrates commissions), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 85, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 48. That Chapter 87, Laws of 2021 (S.B. 1044, relating to urban renewal), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 87, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 49. That Section 22, Chapter 89, Laws of 2021 (H.B. 73, relating to the finances of local governmental entities and education providers), be, and the same is hereby amended to read as follows:

SECTION 22. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 through 4 and Sections 7 through 21 of this act shall be in full force and effect on and after July 1, 2021. Sections 5 and 6 of this act shall be in full force and effect on and after January 1, 2022.

SECTION 50. That Chapter 91, Laws of 2021 (H.B. 91, relating to fish and game), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 91, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 51. That Chapter 93, Laws of 2021 (H.B. 96, relating to family law license suspensions), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 93, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 52. That Chapter 94, Laws of 2021 (H.B. 99, relating to water quality), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 94, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 53. That Chapter 95, Laws of 2021 (H.B. 110, relating to development impact fees), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 95, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 54. That Chapter 96, Laws of 2021 (H.B. 111, relating to school personnel), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 96, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 55. That Chapter 97, Laws of 2021 (H.B. 149, relating to the coronavirus limited immunity act), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 97, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 56. That Chapter 98, Laws of 2021 (H.B. 173, relating to education), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 98, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 57. That Chapter 99, Laws of 2021 (H.B. 262, relating to the appropriation to the department of correction for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 99, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 58. That Chapter 100, Laws of 2021 (H.B. 272, relating to the appropriation to the supreme court for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 100, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 59. That Chapter 101, Laws of 2021 (H.B. 282, relating to the appropriation to the commission for the blind and visually impaired for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 101, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 60. That Chapter 102, Laws of 2021 (H.B. 283, relating to the appropriation to Idaho public television for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 102, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 61. That Chapter 103, Laws of 2021 (H.B. 303, relating to the appropriation to the state liquor division for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 103, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 62. That Chapter 104, Laws of 2021 (H.B. 304, relating to the appropriation to the Idaho state lottery for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 104, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 63. That Chapter 106, Laws of 2021 (H.B. 306, relating to the appropriation to the department of agriculture for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 106, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 64. That Chapter 107, Laws of 2021 (S.B. 1005, relating to water districts), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 107, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 65. That Chapter 108, Laws of 2021 (S.B. 1015, relating to domestic water), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 108, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 66. That Chapter 109, Laws of 2021 (S.B. 1020, relating to liability of landowners), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 109, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 67. That Chapter 111, Laws of 2021 (S.B. 1072, relating to irrigation districts), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 111, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 68. That Chapter 112, Laws of 2021 (S.B. 1073, relating to irrigation), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 112, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 69. That Chapter 113, Laws of 2021 (S.B. 1138, relating to the appropriation to the military division for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 113, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 70. That Chapter 114, Laws of 2021 (S.B. 1140, relating to the appropriation to the division of veterans services for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 114, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 71. That Chapter 115, Laws of 2021 (S.B. 1141, relating to the appropriation to the public utilities commission for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 115, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 72. That Chapter 117, Laws of 2021 (S.B. 1145, relating to the appropriation to the soil and water conservation commission for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 117, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 73. That Chapter 118, Laws of 2021 (S.B. 1146, relating to the appropriation to the office of species conservation for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 118, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 74. That Chapter 119, Laws of 2021 (S.B. 1147, relating to the appropriation to the agricultural research and cooperative extension service for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 119, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 75. That Chapter 120, Laws of 2021 (S.B. 1148, relating to the appropriation to the STEM action center for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 120, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 76. That Chapter 121, Laws of 2021 (S.B. 1151, relating to the appropriation to the commission on aging for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 121, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 77. That Chapter 122, Laws of 2021 (S.B. 1152, relating to the appropriation to the division of vocational rehabilitation for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 122, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 78. That Chapter 123, Laws of 2021 (S.B. 1153, relating to the appropriation to the department of insurance for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 123, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 79. That Chapter 124, Laws of 2021 (S.B. 1155, relating to the appropriation to the department of administration for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 124, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 80. That Chapter 125, Laws of 2021 (S.B. 1156, relating to the appropriation to the department of administration for the bond payments program for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 125, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 81. That Chapter 126, Laws of 2021 (S.B. 1157, relating to the appropriation to the department of administration for the Idaho state capitol commission for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 126, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 82. That Chapter 128, Laws of 2021 (H.B. 167, relating to the department of agriculture), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 128, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 83. That Chapter 129, Laws of 2021 (S.B. 1142, relating to the appropriation to the office of energy and mineral resources for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 129, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 84. That Section 5, Chapter 130, Laws of 2021 (S.B. 1154, relating to the appropriation to the division of career technical education), be, and the same is hereby amended to read as follows:

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, and Sections 1 through 3 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 85. That Chapter 131, Laws of 2021 (S.B. 1158, relating to the appropriation to the department of finance for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 131, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 86. That Chapter 132, Laws of 2021 (S.B. 1159, relating to the appropriation to the state independent living council for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 132, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 87. That Chapter 133, Laws of 2021 (S.B. 1162, relating to the appropriation to the Idaho commission for libraries for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 133, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 88. That Chapter 134, Laws of 2021 (H.B. 47, relating to veterans memorials), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 134, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 89. That Chapter 135, Laws of 2021 (H.B. 48, relating to service members), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 135, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 90. That Chapter 136, Laws of 2021 (H.B. 124, relating to development impact fee advisory committee membership), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 136, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 91. That Chapter 138, Laws of 2021 (H.B. 172, relating to extended learning opportunities), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 138, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 92. That Chapter 140, Laws of 2021 (H.B. 312, relating to the appropriation to the industrial commission for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 140, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 93. That Chapter 141, Laws of 2021 (H.B. 313, relating to the appropriation to the department of fish and game for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 141, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 94. That Section 4, Chapter 142, Laws of 2021 (H.B. 318, relating to the appropriation to the state board of education for community colleges), be, and the same is hereby amended to read as follows:

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Section 3 of this act shall be in full force and effect on and after passage and approval, and Sections 1 and 2 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 95. That Chapter 143, Laws of 2021 (S.B. 1096, relating to PERSI), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 143, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 96. That Chapter 145, Laws of 2021 (H.B. 81, relating to insurance), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 145, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 97. That Chapter 146, Laws of 2021 (H.B. 70, relating to alcoholic beverages), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 146, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 98. That Chapter 147, Laws of 2021 (H.B. 233, relating to juveniles), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 147, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 99. That Chapter 148, Laws of 2021 (H.B. 85, relating to purple heart license plates), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 148, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 100. That Chapter 149, Laws of 2021 (H.B. 86, relating to off-highway vehicles and snowmobiles), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31, Chapter 149, Laws of 2021, and to read as follows:

SECTION 31. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 101. That Chapter 150, Laws of 2021 (H.B. 104, relating to campaign finance), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 150, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 102. That Chapter 151, Laws of 2021 (H.B. 326, relating to the appropriation to the Idaho transportation department for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 9, Chapter 151, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 103. That Chapter 152, Laws of 2021 (H.B. 333, relating to the appropriation to the department of parks and recreation for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 152, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 104. That Chapter 153, Laws of 2021 (H.B. 334, relating to the appropriation to the public employee retirement system of Idaho for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 153, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 105. That Chapter 154, Laws of 2021 (S.B. 1137, relating to judges), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 154, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 106. That Chapter 155, Laws of 2021 (S.B. 1164, relating to the appropriation to the division of human resources for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 155, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 107. That Chapter 156, Laws of 2021 (H.B. 182, relating to water), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 156, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 108. That Chapter 157, Laws of 2021 (H.B. 184, relating to water rights), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 157, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 109. That Chapter 158, Laws of 2021 (H.B. 185, relating to flood control districts), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 158, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 110. That Chapter 159, Laws of 2021 (H.B. 186, relating to water), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 159, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 111. That Section 24, Chapter 160, Laws of 2021 (H.B. 260, relating to state budget terminology), be, and the same is hereby amended to read as follows:

SECTION 24. An emergency existing therefor, which emergency is hereby declared to exist, tThis act shall be in full force and effect on and after July 2, 2021.

SECTION 112. That Chapter 161, Laws of 2021 (H.B. 267, relating to water), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 161, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 113. That Chapter 162, Laws of 2021 (H.B. 268, relating to water), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 162, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 114. That Chapter 163, Laws of 2021 (H.B. 325, relating to the appropriation to the department of health and welfare for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 9, Chapter 163, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 115. That Chapter 164, Laws of 2021 (S.B. 1035, relating to the state appellate public defender act), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 164, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 116. That Chapter 165, Laws of 2021 (S.B. 1058, relating to public libraries), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 165, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 117. That Chapter 166, Laws of 2021 (S.B. 1076, relating to journals and session laws), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 166, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 118. That Chapter 167, Laws of 2021 (S.B. 1078, relating to county recorders), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 167, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 119. That Chapter 168, Laws of 2021 (S.B. 1104, relating to rules of the road), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 168, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 120. That Chapter 169, Laws of 2021 (S.B. 1123, relating to Lava Hot Springs), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 169, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 121. That Chapter 170, Laws of 2021 (S.B. 1172, relating to the appropriation to the department of administration for the division of public works for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 8, Chapter 170, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 122. That Chapter 171, Laws of 2021 (H.B. 129, relating to off-highway vehicles), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 171, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 123. That Chapter 172, Laws of 2021 (S.B. 1089aa, relating to rape), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 172, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 124. That Chapter 173, Laws of 2021 (S.B. 1160, relating to the appropriation to the department of lands for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 173, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 125. That Chapter 174, Laws of 2021 (S.B. 1011, relating to the coordinate system of land description), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 17, Chapter 174, Laws of 2021, and to read as follows:

SECTION 17. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 126. That Chapter 176, Laws of 2021 (S.B. 1083, relating to licensure by endorsement), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 176, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 127. That Chapter 177, Laws of 2021 (S.B. 1084, relating to the occupational licensing reform act), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 177, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 128. That Chapter 178, Laws of 2021 (S.B. 1095, relating to the public employee retirement system), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 178, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 129. That Chapter 179, Laws of 2021 (S.B. 1101, relating to highways and bridges), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 179, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 130. That Chapter 180, Laws of 2021 (S.B. 1102, relating to electronic motor vehicle registration), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6, Chapter 180, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 131. That Chapter 181, Laws of 2021 (S.B. 1115, relating to education), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 181, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 132. That Chapter 182, Laws of 2021 (S.B. 1116aa, relating to education), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 182, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 133. That Chapter 183, Laws of 2021 (S.B. 1119, relating to unclaimed property), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 183, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 134. That Chapter 184, Laws of 2021 (S.B. 1124aa, relating to insurance), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 184, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 135. That Chapter 185, Laws of 2021 (S.B. 1130, relating to burglary), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 185, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 136. That Chapter 186, Laws of 2021 (S.B. 1131, relating to garnishment), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 186, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 137. That Chapter 188, Laws of 2021 (S.B. 1165, relating to the appropriation to the department of health and welfare for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 11, Chapter 188, Laws of 2021, and to read as follows:

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 138. That Chapter 189, Laws of 2021 (S.B. 1180, relating to the appropriation to the Idaho state historical society for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 189, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 139. That Chapter 190, Laws of 2021 (S.B. 1184, relating to the appropriation to the office of the secretary of state for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 190, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 140. That Chapter 191, Laws of 2021 (H.B. 103, relating to the Idaho nonprofit corporation act), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 191, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 141. That Chapter 192, Laws of 2021 (H.B. 131, relating to county commissioners and highway officers), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 192, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 142. That Chapter 193, Laws of 2021 (H.B. 132aa, relating to highways and bridges), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 193, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 143. That Chapter 194, Laws of 2021 (H.B. 138, relating to the department of administration), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 194, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 144. That Chapter 195, Laws of 2021 (H.B. 139, relating to the state personnel system), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 195, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 145. That Chapter 196, Laws of 2021 (H.B. 150, relating to the Idaho commission of pardons and parole), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 27, Chapter 196, Laws of 2021, and to read as follows:

SECTION 27. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 146. That Chapter 197, Laws of 2021 (H.B. 152, relating to security deposits), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 197, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 147. That Chapter 198, Laws of 2021 (H.B. 155, relating to government property), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 198, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 148. That Chapter 199, Laws of 2021 (H.B. 156, relating to development impact fees), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 199, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 149. That Chapter 200, Laws of 2021 (H.B. 165, relating to custom vehicle license plates), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 200, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 150. That Chapter 201, Laws of 2021 (H.B. 175, relating to education), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 201, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 151. That Chapter 202, Laws of 2021 (H.B. 178, relating to apprenticeship programs), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 202, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 152. That Chapter 203, Laws of 2021 (H.B. 198, relating to precinct committeemen), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 203, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 153. That Chapter 205, Laws of 2021 (H.B. 210, relating to sales and use tax), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 205, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 154. That Chapter 206, Laws of 2021 (H.B. 217, relating to income taxes), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 206, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 155. That Chapter 207, Laws of 2021 (H.B. 222, relating to education), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 8, Chapter 207, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 156. That Chapter 208, Laws of 2021 (H.B. 231, relating to elections), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 208, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 157. That Chapter 209, Laws of 2021 (H.B. 243, relating to campaign finance), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 209, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 158. That Chapter 210, Laws of 2021 (H.B. 250aa, relating to education), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 210, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 159. That Chapter 212, Laws of 2021 (H.B. 277, relating to the board of tax appeals), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 212, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 160. That Chapter 215, Laws of 2021 (H.B. 324, relating to the appropriation to the endowment fund investment board for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 215, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 161. That Chapter 216, Laws of 2021 (H.B. 337, relating to the appropriation to the Idaho state police for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 216, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 162. That Chapter 217, Laws of 2021 (S.B. 1042aa, relating to public contracts), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 217, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 163. That Chapter 218, Laws of 2021 (H.B. 187, relating to fish and game), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 218, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 164. That Chapter 219, Laws of 2021 (H.B. 235, relating to fish and game), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 219, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 165. That Chapter 220, Laws of 2021 (H.B. 279, relating to the committee on federalism), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 220, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 166. That Chapter 221, Laws of 2021 (S.B. 1024, relating to the division of occupational and professional licenses), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 12, Chapter 221, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 167. That Chapter 222, Laws of 2021 (S.B. 1026, relating to the division of occupational and professional licenses), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 44, Chapter 222, Laws of 2021, and to read as follows:

SECTION 44. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 168. That Chapter 223, Laws of 2021 (S.B. 1047, relating to alcohol), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 223, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 169. That Chapter 226, Laws of 2021 (S.B. 1176, relating to the appropriation to the wolf depredation control board for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 226, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 170. That Chapter 227, Laws of 2021 (S.B. 1181, relating to the appropriation to the department of health and welfare for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 8, Chapter 227, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 171. That Section 10, Chapter 228, Laws of 2021 (S.B. 1188, relating to the appropriation to the Department of Environmental Quality for fiscal year 2022), be, and the same is hereby amended to read as follows:

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, Section 9 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 8 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 172. That Chapter 229, Laws of 2021 (S.B. 1189, relating to the appropriation to the office of drug policy for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 229, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 173. That Chapter 230, Laws of 2021 (S.B. 1190, relating to the appropriation to the department of water resources for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 8, Chapter 230, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 174. That Chapter 231, Laws of 2021 (S.B. 1191, relating to the appropriation to the supreme court for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 231, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 175. That Chapter 232, Laws of 2021 (S.B. 1187, 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 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 232, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 176. That Chapter 233, Laws of 2021 (H.B. 232, relating to alcohol), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 233, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 177. That Chapter 235, Laws of 2021 (H.B. 162, relating to highways and bridges), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 235, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 178. That Chapter 236, Laws of 2021 (H.B. 241, relating to motor vehicles), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 236, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 179. That Chapter 237, Laws of 2021 (H.B. 245, relating to campaign finance), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 237, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 180. That Chapter 240, Laws of 2021 (H.B. 340, relating to the appropriation to the legislative branch for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6, Chapter 240, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 181. That Chapter 241, Laws of 2021 (H.B. 341, relating to the appropriation to the executive office of the governor for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 241, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 182. That Chapter 243, Laws of 2021 (H.B. 142, relating to employment security law), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6, Chapter 243, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 183. That Chapter 245, Laws of 2021 (H.B. 166, relating to domestic cervidae), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 245, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 184. That Chapter 246, Laws of 2021 (H.B. 239, relating to phosphate), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7, Chapter 246, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 185. That Chapter 247, Laws of 2021 (H.B. 264, relating to public charter schools), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 247, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 186. That Chapter 249, Laws of 2021 (H.B. 286, relating to public shooting ranges), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 249, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 187. That Chapter 250, Laws of 2021 (H.B. 307, relating to irrigation), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 250, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 188. That Chapter 251, Laws of 2021 (H.B. 343, relating to the appropriation to the supreme court for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 251, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 189. That Chapter 252, Laws of 2021 (H.B. 359, relating to the appropriation to the public schools educational support program's division of educational services for the deaf and the blind for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 252, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 190. That Section 7, Chapter 253, Laws of 2021 (S.B. 1186, relating to the appropriation to the office of the state treasurer), be, and the same is hereby amended to read as follows:

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 4, 5, and 6 of this act shall be in full force and effect on and after passage and approval, and Sections 1, 2, and 3 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 191. That Chapter 254, Laws of 2021 (S.B. 1175, relating to the appropriation to the state board of education and the board of regents of the university of Idaho for health education programs for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6, Chapter 254, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 192. That Chapter 256, Laws of 2021 (H.B. 266, relating to water), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 256, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 193. That Chapter 257, Laws of 2021 (S.B. 1139, relating to health and welfare), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 257, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 194. That Chapter 258, Laws of 2021 (H.B. 302, relating to abortion), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6, Chapter 258, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 195. That Chapter 259, Laws of 2021 (S.B. 1045, relating to education), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 259, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 196. That Chapter 260, Laws of 2021 (S.B. 1192, relating to the appropriation to the public charter school commission for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 260, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 197. That Chapter 261, Laws of 2021 (H.B. 102aaS, relating to Idaho real estate license law), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 261, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 198. That Chapter 263, Laws of 2021 (H.B. 298, relating to student immunizations), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 263, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 199. That Chapter 264, Laws of 2021 (H.B. 346, relating to the appropriation to the division of occupational and professional licenses for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 264, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 200. That Chapter 265, Laws of 2021 (H.B. 357, relating to the appropriation to the public schools educational support program's division of facilities for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 265, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 201. That Chapter 266, Laws of 2021 (H.B. 338, relating to the appropriation to the office of the state controller for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 266, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 202. That Chapter 267, Laws of 2021 (S.B. 1177, relating to the appropriation to the office of information technology services for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 267, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 203. That Chapter 269, Laws of 2021 (H.B. 191aaS, relating to domestic relations), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 269, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 204. That Chapter 270, Laws of 2021 (H.B. 252aaS, relating to agricultural land assessment), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 270, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 205. That Chapter 271, Laws of 2021 (S.B. 1051, relating to the personnel system), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 271, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 206. That Chapter 272, Laws of 2021 (S.B. 1062, relating to candidates), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 272, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 207. That Chapter 273, Laws of 2021 (S.B. 1107aa, relating to highway districts), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 273, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 208. That Chapter 274, Laws of 2021 (S.B. 1143aa, relating to insurance), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 274, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 209. That Chapter 275, Laws of 2021 (S.B. 1168aa, relating to elections), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 275, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 210. That Chapter 276, Laws of 2021 (S.B. 1195, relating to the appropriation to the department of commerce for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 276, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 211. That Chapter 277, Laws of 2021 (S.B. 1196, relating to the appropriation to the department of labor for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 277, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 212. That Chapter 278, Laws of 2021 (S.B. 1197, relating to the appropriation to the board of tax appeals for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 278, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 213. That Chapter 279, Laws of 2021 (S.B. 1198, relating to the appropriation to the state tax commission for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 279, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 214. That Section 9, Chapter 280, Laws of 2021 (S.B. 1199, relating to the appropriation to the department of commerce), be, and the same is hereby amended to read as follows:

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 3, 4, 5, and 8 of this act shall be in full force and effect on and after passage and approval, and Sections 6 and 7 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 215. That Chapter 281, Laws of 2021 (H.B. 336, relating to juveniles), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 8, Chapter 281, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 216. That Chapter 282, Laws of 2021 (H.B. 171aaS, relating to sales tax), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 282, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 217. That Chapter 284, Laws of 2021 (S.B. 1086, relating to the anti-boycott against Israel act), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 284, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 218. That Section 5, Chapter 285, Laws of 2021 (H.B. 365, relating to the appropriation to the department of agriculture), be, and the same is hereby amended to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval, and Sections 3 and 4 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 219. That Chapter 287, Laws of 2021 (S.B. 1039aaH, relating to education), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 287, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 220. That Chapter 288, Laws of 2021 (H.B. 66aaS, relating to elections), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7, Chapter 288, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 221. 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 May 10, 2021

CHAPTER 359
(S.B. No. 1217)

AN ACT

RELATING TO A STATE OF EXTREME EMERGENCY; PROVIDING LEGISLATIVE INTENT; REPEALING SECTION 46-601, IDAHO CODE, RELATING TO AUTHORITY OF THE GOVERNOR; AMENDING CHAPTER 6, TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 46-601, IDAHO CODE, TO AUTHORIZE THE GOVERNOR TO PROCLAIM A STATE OF EXTREME EMERGENCY, TO DEFINE TERMS, TO PROVIDE THAT THE GOVERNOR SHALL HAVE CERTAIN POWERS, DUTIES, AND LIMITATIONS DURING A DECLARED STATE OF EXTREME EMERGENCY, AND TO PROVIDE THAT NOTHING SHALL PROHIBIT THE GOVERNOR FROM DEPLOYING THE NATIONAL GUARD AS HE MAY DEEM PROPER; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT. Idaho Code grants the Governor the power to proclaim a state of extreme emergency and provide the initial response thereto. As a co-equal branch of the government, the Legislature should assist the Governor during such times of extreme emergency as a proper check and balance of power when restrictions are placed on Idahoans. When exercising such powers during a state of extreme emergency, the government should:

- (1) Recognize that all Idahoans who work, provide for their families, and pay taxes are essential to Idaho;
- (2) Assure that the Idaho Legislature exercises its constitutional powers to appropriate funds;
- (3) Prohibit the quarantine or isolation of healthy individuals who are not at risk of contaminating others with a biological, chemical, or nuclear agent;
- (4) Protect Idahoans' respective constitutional rights, including the right to keep and bear arms and the right to free exercise of religion; and
- (5) Prevent the delegation of government power to nonelected officials.

SECTION 2. That Section 46-601, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 6, Title 46, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 46-601, Idaho Code, and to read as follows:

46-601. AUTHORITY OF GOVERNOR.

(1) (a) The governor may proclaim a state of extreme emergency and then order into the active service of the state the national guard, as he may deem proper.

(b) "State of extreme emergency" means:

(i) The duly proclaimed existence of conditions threatening the safety of persons or property within the state, or any part thereof, caused by an enemy attack or threatened attack; or

(ii) The duly proclaimed existence of conditions threatening persons or property within the state, or any part thereof, caused by such conditions as fire, flood, storm, epidemic, pandemic, volcano, earthquake, violent insurrection, riot, revolt, explosion, cyber attack on critical infrastructure, or other conditions that by reason of their magnitude are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any county, any city, or any city and county or result in mass casualties.

(c) "Enemy attack" means an actual attack by terrorists or a foreign nation by terrorism, hostile air raids, or other form of warfare upon the state or any other state or territory of the United States.

(d) "Violent insurrection" means a violent movement or violent actions by persons intending to overthrow the lawful government.

(e) "Terrorism" is as defined in section 18-8102, Idaho Code.

(2) (a) During a declared state of extreme emergency, the governor shall have authority over all executive agencies and departments of the state government, including all separate boards and commissions, and the right to exercise within the area or regions wherein the state of extreme emergency exists, subject to the provisions of this section, police power vested in the state by the constitution and the laws of the state of Idaho; provided, however, that the governor's exercise thereof must be limited to promulgation, issuance, and enforcement of written rules and orders necessary to support the national guard, essential to protect life or property, ensure the continuity of the constitutional form of government, or otherwise required to mitigate serious harm created by the conditions giving rise to the state of extreme emergency. Such rules and orders must be narrowly focused without placing unnecessary restrictions on the ability for a person or persons, regardless of job type or classification, to work, provide for their families, or otherwise contribute to the economy of the state of Idaho.

(b) Such rules and orders must, whenever practicable, be prepared in advance of extreme emergency, and the governor shall cause widespread publicity and notice to be given of such rules and orders. Rules and orders issued under the authority of this section must not become operative until the governor proclaims a state of extreme emergency. Such rules and orders shall be filed in the office of the secretary of state as soon as possible after their issuance. A copy of such rules and orders shall likewise be filed in the office of the county clerk of each county, any portion of which is included within the area wherein a state of extreme emergency has been proclaimed.

(c) The state of extreme emergency must terminate by either the expiration of the period for which it was proclaimed or the need for said state of extreme emergency has ceased.

(d) Whenever the governor declares a state of extreme emergency encompassing twelve (12) or more counties, the powers granted by the legislature to the governor in paragraph (a) of this subsection shall be revoked on the ninetieth day of the proclaimed state of extreme emergency unless the legislature is in regular session or the governor issues a proclamation convening an extraordinary session of the legislature for the purpose of having the legislature vote on whether to revoke any or all powers granted to the governor in paragraph (a) of this subsection. If the governor elects to issue a proclamation convening an extraordinary session, such proclamation must identify a date for the legislature to convene that is no later than twenty-one (21) days after the issuance of the proclamation. The governor, consistent with section 9, article IV of the constitution of the state of Idaho, may identify additional subjects for legislation during the extraordinary session, including the appropriation of necessary emergency funds.

(e) In the event those conditions giving rise to the state of extreme emergency prevent or render it impracticable for a legislator to participate in the regular or extraordinary session, the legislator shall be replaced by an interim successor designated and qualified in accordance with the emergency interim legislative succession act, as provided in sections 67-413 through 67-426, Idaho Code.

(f) The governor may not circumvent the ninety (90) day limitation by redeclaring successive states of extreme emergency for the same conditions that gave rise to the proclaimed state of extreme emergency.

(3) During any proclaimed state of extreme emergency, insurrection, or martial law, neither the governor nor any agency of any governmental entity or political subdivision of the state shall impose or enforce federal restrictions prohibited under Idaho law on the lawful possession, manufacturing, transfer, sale, transport, storage, display, or use of firearms or ammunition or otherwise suspend or unconstitutionally limit any rights guaranteed by the United States constitution or the constitution of the state of Idaho, including but not limited to the right to peaceable assembly and free exercise of religion.

(4) During any state of extreme emergency, the governor may not alter, adjust, or suspend any provision of the Idaho Code but for good cause may temporarily suspend enforcement of particular provisions that prevent, hinder, or delay necessary action to respond to the state of extreme emergency. The governor shall file a notice describing the temporary suspension of enforcement of any particular provisions with the office of the secretary of state as soon as possible after such suspension, and copies thereof shall be delivered to the speaker of the Idaho house of representatives, the president pro tempore of the Idaho senate, and the chief justice of the Idaho supreme court.

(5) Nothing in this section shall prohibit the governor from deploying the national guard as he may deem proper.

SECTION 4. SEVERABILITY. The provisions of this act are hereby declared to be severable. If any provision of this section or the application of such provision to any person or circumstance is declared invalid by a court of competent jurisdiction for any reason, such declaration shall not affect the validity of the remaining portions of this section.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

CHAPTER 360
(H.B. No. 389)

AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE HOMEOWNER EXEMPTION; AMENDING SECTION 63-301A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE NEW CONSTRUCTION ROLL; AMENDING SECTION 63-602W, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN BUSINESS PROPERTY TAX EXEMPTIONS; AMENDING SECTION 63-705, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROPERTY TAX REDUCTION INCOME LIMITATIONS AND BENEFIT AMOUNTS AND TO ESTABLISH PROVISIONS FOR REFERRAL OF CERTAIN APPLICANTS TO THE PROPERTY TAX DEFERRAL PROGRAM; AMENDING SECTION 63-705A, IDAHO CODE, TO REVISE PROVISIONS REGARDING TAX REDUCTIONS FOR CERTAIN DISABLED VETERANS; AMENDING SECTION 63-715, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PROPERTY TAX DEFERRAL PROGRAM; AMENDING SECTION 63-802, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE LIMITATION ON TAXING DISTRICT BUDGET REQUESTS; AMENDING SECTION 63-313, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAXATION OF TRANSIENT PERSONAL PROPERTY; AMENDING SECTION 63-602KK, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAXATION OF PERSONAL PROPERTY; AMENDING SECTION 63-803, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE PROVISIONS REGARDING PERSONAL PROPERTY TAX REPLACEMENT MONEYS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION, AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 63-602G, Idaho Code, be, and the same is hereby amended to read as follows:

63-602G. PROPERTY EXEMPT FROM TAXATION -- HOMESTEAD. (1) For each tax year, the first one hundred twenty-five thousand dollars (~~\$100~~25,000) of the market value for assessment purposes of the homestead as that term is defined in section 63-701, Idaho Code, or fifty percent (50%) of the market value for assessment purposes of the homestead as that term is defined in section 63-701, Idaho Code, whichever is the lesser, shall be exempt from property taxation.

(2) The exemption allowed by this section may be granted only if:

(a) The homestead is owner-occupied and used as the primary dwelling place of the owner. The homestead may consist of part of a multi-dwelling or multipurpose building and shall include all of such dwelling or building except any portion used exclusively for anything other than the primary dwelling of the owner. The presence of an office in a homestead, which office is used for multiple purposes, including business and personal use, shall not prevent the owner from claiming the exemption provided in this section; and

(b) The state tax commission has certified to the board of county commissioners that all properties in the county which are subject to appraisal by the county assessor have, in fact, been appraised uniformly so as to secure a just valuation for all property within the county; and

(c) The owner has certified to the county assessor that:

(i) He is making application for the exemption allowed by this section;

(ii) The homestead is his primary dwelling place; and

(iii) He has not made application in any other county for the exemption, and has not made application for the exemption on any other homestead in the county.

(d) For the purpose of this section, the definition of "owner" shall be the same definition set forth in section 63-701(7), Idaho Code.

When an "owner," pursuant to the provisions of section 63-701(7), Idaho Code, is any person who is the beneficiary of a revocable or irrevocable trust, or who is a partner of a limited partnership, a member of a limited liability company, or shareholder of a corporation, he or she may provide proof of the trust, limited partnership, limited liability company, or corporation in the manner set forth in section 63-703(4), Idaho Code.

(e) Any owner may request in writing the return of all copies of any documents submitted with the affidavit set forth in section 63-703(4), Idaho Code, that are held by a county assessor, and the copies shall be returned by the county assessor upon submission of the affidavit in proper form.

(f) For the purpose of this section, the definition of "primary dwelling place" shall be the same definition set forth in section 63-701(8), Idaho Code.

(g) For the purpose of this section, the definition of "occupied" shall be the same definition set forth in section 63-701(6), Idaho Code.

(3) An owner need only make application for the exemption described in subsection (1) of this section once, as long as all of the following conditions are met:

(a) The owner has received the exemption during the previous year as a result of his making a valid application as set forth in subsection (2)(c) of this section.

(b) The owner or beneficiary, partner, member or shareholder, as appropriate, still occupies the same homestead for which the owner made application.

(c) The homestead described in paragraph (b) of this subsection is owner-occupied or occupied by a beneficiary, partner, member or shareholder, as appropriate, and used as the primary dwelling place of the owner or beneficiary, partner, member or shareholder, as appropriate.

(4) The exemption allowed by this section shall be effective upon the date of the application and must be taken before the reduction in taxes provided by sections 63-701 through 63-710, Idaho Code, is applied.

(5) Recovery of property tax exemptions allowed by this section but improperly claimed or approved:

(a) Upon discovery of evidence, facts or circumstances indicating any exemption allowed by this section was improperly claimed or approved, the county assessor shall decide whether the exemption claimed should have been allowed and, if not, notify the taxpayer in writing, assess a recovery of property tax and notify the county treasurer of this assessment. If the county assessor determined that an exemption was improperly approved as a result of county error, the county assessor shall present the discovered evidence, facts or circumstances from the improperly approved exemption to the board of county commissioners, at which time the board may waive a recovery of the property tax and notify such taxpayer in writing.

(b) When information indicating that an improper claim for the exemption allowed by this section is discovered by the state tax commission, the state tax commission may disclose this information to the appropriate county assessor, board of county commissioners and county treasurer. Information disclosed to county officials by the state tax commission under this subsection may be used to decide the validity of any entitlement to the exemption provided in this section and is not otherwise subject to public disclosure pursuant to chapter 1, title 74, Idaho Code.

(c) The assessment and collection of the recovery of property tax must begin within the seven (7) year period beginning the date the assessment notice reflecting the improperly claimed or approved exemption was required to be mailed to the taxpayer.

(d) The taxpayer may appeal to the county board of equalization the decision by the county assessor to assess the recovery of property tax within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section. The board may waive the collection of all or part of any costs, late charges, and interest in order to facilitate the collection of the recovery of the property tax.

(e) For purposes of calculating the tax, the amount of the recovered property tax shall be for each year the exemption allowed by this section was improperly claimed or approved, up to a maximum of seven (7) years. The amount of the recovery of property tax shall be calculated using the product of the amount of exempted value for each year multiplied by the levy for that year plus costs, late charges and interest for each year at the rates equal to those provided for delinquent property taxes during that year.

(f) Any recovery of property tax shall be due and payable no later than the date provided for property taxes in section 63-903, Idaho Code, and if not timely paid, late charges and interest, beginning the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section, shall be calculated at the current rate provided for property taxes.

(g) Recovered property taxes shall be billed, collected and distributed in the same manner as property taxes, except each taxing district or unit shall be notified of the amount of any recovered property taxes included in any distribution.

(h) Thirty (30) days after the taxpayer is notified, as provided in paragraph (a) of this subsection, the assessor shall record a notice of intent to attach a lien. Upon the payment in full of such recovered property taxes prior to the attachment of the lien as provided in paragraph (i) of this subsection, or upon the successful appeal by the taxpayer, the county assessor shall record a rescission of the intent to attach a lien within seven (7) business days of receiving such payment or within seven (7) business days of the county board of equalization decision granting the appeal. If the real property is sold to a bona fide purchaser for value prior to the recording of the notice of the intent to attach a lien, the county assessor and treasurer shall cease the recovery of such unpaid recovered property tax.

(i) Any unpaid recovered property taxes shall become a lien upon the real property in the same manner as provided for property taxes in section 63-206, Idaho Code, except such lien shall attach as of the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section.

(j) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection as recovery of property tax shall be treated as property tax revenue.

(6) The legislature declares that this exemption is necessary and just.

(7) A homestead, having previously qualified for exemption under this section in the preceding year, shall not lose such qualification due to: the owner's, beneficiary's, partner's, member's or shareholder's absence in the current year by reason of active military service, or because the homestead has been leased because the owner, beneficiary, partner, member or shareholder is absent in the current year by reason of active military service. An owner subject to the provisions of this subsection must apply for the exemption with the county assessor every year on or before a deadline date as specified by the county assessor for the county in which the homestead is

claimed. If an owner fails to apply on or before the established deadline, the county may, at its discretion, discontinue the exemption for that year.

(8) A homestead, having previously qualified for exemption under this section in the preceding year, shall not lose such qualification due to the owner's, beneficiary's, partner's, member's or shareholder's death during the year of the owner's, beneficiary's, partner's, member's or shareholder's death and the tax year immediately following such death provided that the homestead continues to be a part of the owner's, beneficiary's, partner's, member's or shareholder's estate. After such time, the new owner shall reapply to receive the exemption pursuant to this section and shall meet the qualification criteria contained in this section.

(9) The amount by which each exemption approved under this section exceeds one hundred thousand dollars (\$100,000) may, in the discretion of the governing board of a taxing district, be deducted from the new construction roll for the following year prepared by the county assessor in accordance with section 63-301A, Idaho Code, but only to the extent that the amount exceeds the same deduction made in the previous year.

SECTION 2. That Section 63-301A, Idaho Code, be, and the same is hereby amended to read as follows:

63-301A. NEW CONSTRUCTION ROLL. (1) The county assessor shall prepare a new construction roll, which shall be in addition to the property roll, which new construction roll shall show:

- (a) The name of the taxpayer;
- (b) The description of the new construction, suitably detailed to meet the requirements of the individual county;
- (c) A description of the land and its change in use, suitably detailed to meet the needs of the individual county;
- (d) The amount of taxable market value added to the property on the current year's property roll that is directly the result of new construction ~~or~~, including a change in use of the land ~~or both~~ associated with the new construction;
- (e) The amount of taxable market value added as provided in subsection (3) (g) of this section as a result of dissolution of any revenue allocation area;
- (f) The amount of taxable market value to be deducted to reflect the adjustments required in this paragraphs ~~(f) (i), (f) (ii), (f) (iii) and (f) (iv) of this subsection~~:
 - (i) Any board of tax appeals or court-ordered value change, if property has a taxable value lower than that shown on any new construction roll in any one (1) of the immediate five (5) tax years preceding the current tax year;
 - (ii) Any reduction in value resulting from correction of value improperly included on any previous new construction roll as a result of double or otherwise erroneous assessment;
 - (iii) Any reduction in value, in any one (1) of the immediate five (5) tax years preceding the current tax year, resulting from a change of land use classification;
 - (iv) Any reduction in value resulting from the exemption provided in section 63-602W(4), Idaho Code, in any one (1) of the immediate five (5) tax years preceding the current tax year; and
 - (v) Any voluntary reduction in value reflecting a portion of certain homestead exemptions as provided in section 63-602G(9), Idaho Code.

(2) As soon as possible, but in any event by no later than the first Monday in June, the new construction roll shall be certified to the county auditor and a listing showing the amount of value on the new construction roll in each taxing district or unit be forwarded to the state tax commission on or before the fourth Monday in July. Provided however, the value shown in subsection (3) (f) of this section shall be reported to the appropriate county auditor by the state tax commission by the third Monday in July and the value sent by the county auditor to each taxing district. The value established pursuant to subsection (3) (f) of this section is subject to correction by the state tax commission until the first Monday in September and any such corrections shall be sent to the appropriate county auditor, who shall notify any affected taxing districts.

(3) Except as otherwise provided in this subsection, the value shown on the new construction roll shall include ninety percent (90%) of the taxable market value increase from:

- (a) Construction of any new structure that previously did not exist; or
- (b) Additions or alterations to existing nonresidential structures; or
- (c) Installation of new or used manufactured housing that did not previously exist within the county; or
- (d) Change of land use classification associated with the new structure; or
- (e) Property newly taxable as a result of loss of the exemption provided by section 63-602W(3) or (4), Idaho Code; or
- (f) The construction of any improvement or installation of any equipment used for or in conjunction with the generation of electricity and the addition of any improvement or equipment intended to be so used, except property that has a value allocated or apportioned pursuant to section 63-405, Idaho Code, or that is owned by a cooperative or municipality as those terms are defined in section 61-332A, Idaho Code, or that is owned by a public utility as that term is defined in section 61-332A, Idaho Code, owning any other property that is allocated or apportioned. No replacement equipment or improvements may be included; or
- (g) Provided such increases do not include increases already reported on the new construction roll as permitted in paragraphs (j) and (k) of this subsection, increases in value over the base value of property on the base assessment roll within an urban renewal revenue allocation area that has been terminated pursuant to section 50-2909(4), Idaho Code, to the extent that this increment exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire eighty percent (80%) of the increment value. Notwithstanding other provisions of this section, the new construction roll shall not include new construction located within an urban renewal district's revenue allocation area, except as provided in this paragraph; or
- (h) New construction, in any one (1) of the immediate five (5) tax years preceding the current tax year, allowable but never included on a new construction roll, provided however, that, for such property, the value on the new construction roll shall reflect the taxable value that would have been included on the new construction roll for the first year in which the property should have been included.
- (i) Formerly exempt improvements on state college or state university-owned land for student dining, housing, or other education-related purposes approved by the state board of education and board of regents of the university of Idaho as proper for the operation of such state college or university provided however, such improvements were never included on any previous new construction roll.

(j) Increases in base value when due to previously determined increment value added to the base value as required in sections 50-2903 and 50-2903A, Idaho Code, due to a modification of the urban renewal plan. In this case, the amount added to the new construction roll will equal eighty percent (80%) of the amount by which the increment value in the year immediately preceding the year in which the base value adjustment described in this subsection occurs exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire increment value.

(k) Increases in base value when due to previously determined increment value added to the base value as a result of a de-annexation within a revenue allocation area as defined in section 50-2903, Idaho Code. In this case, the amount added to the new construction roll will equal eighty percent (80%) of the amount by which the increment value in the year immediately preceding the year in which the de-annexation described in this subsection occurs exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire increment value within the area subject to the de-annexation.

(4) The amount of taxable market value of new construction shall be the change in net taxable market value that is attributable directly to the new construction or, a change in use of the land upon completion of the new construction, or loss of the exemption provided by section 63-602W(3) or (4), Idaho Code. It shall not include any change in value of existing property that is due to external market forces such as general or localized inflation, except as provided in subsection (3)(g) of this section.

(5) The amount of taxable market value of new construction shall not include any new construction of property that has been granted a provisional property tax exemption, pursuant to section 63-1305C, Idaho Code. A property owner may apply to the board of county commissioners, if an application is required pursuant to section 63-602, Idaho Code, for an exemption from property tax at the time the initial building permits are applied for or at the time construction of the property has begun, whichever is earlier, or at any time thereafter.

(6) The amount of taxable market value of new construction shall not include any new construction of property for which an exemption from sales and use tax has been granted pursuant to section 63-3622VV, Idaho Code.

SECTION 3. That Section 63-602W, Idaho Code, be, and the same is hereby amended to read as follows:

63-602W. BUSINESS INVENTORY EXEMPT FROM TAXATION -- BUSINESS INVENTORY THAT IS A COMPONENT OF REAL PROPERTY THAT IS A SINGLE FAMILY DWELLING. The following property is exempt from property taxation: business inventory. For the purpose of this section, "business inventory" means all items of tangible personal property or other property, including site improvements, described as:

(1) All livestock, fur-bearing animals, fish, fowl and bees.

(2) All nursery stock, stock-in-trade, merchandise, products, finished or partly finished goods, raw materials, and all forest products subject to the provisions of chapter 17, title 63, Idaho Code, supplies, containers and other personal property that is held for sale or consumption in the ordinary course of the taxpayer's manufacturing, farming, wholesale jobbing, or merchandising business.

(3) Residential improvements never occupied. Once residential improvements are occupied as defined in section 63-317, Idaho Code, they shall be subject to the tax provided by section 63-317, Idaho Code. The provisions of section 63-602Y, Idaho Code, shall not apply to the exemption provided by this subsection. The exemption provided by this subsection applies only to improvements to real property, and only until first occupied. For purposes of this section, the term "residential improvements" means only:

- (a) Single family residences; or
- (b) Residential townhouses; or
- (c) Residential condominium units.

The nonresidential portion of an improvement to real property that is used or is to be used for residential and nonresidential purposes does not qualify for the exemption provided by this section. If an improvement contains multiple residential units, each such unit shall lose the exemption provided in this section when it becomes occupied.

(4) Site improvements that are associated with land, such as roads and utilities, on real property held by the land developer, either as owner or vendee in possession under a land sale contract, for sale or consumption in the ordinary course of the land developer's business until other improvements, such as buildings or structural components of buildings, are ~~begun~~ completed or the real property is conveyed to a third party. For purposes of this subsection, a transfer of title to real property to a legal entity of which at least fifty percent (50%) is owned by the land developer, the land developer's original entity or the same principals who owned the land developer's original entity shall not be considered a conveyance to a third party. For purposes of this subsection, the amount of the exemption shall be the difference between the market value of the land with site improvements and the market value of the land without site improvements as shall be determined by a comparative market analysis of a similarly situated parcel or parcels of real property that have not been improved with such site improvements contemplated by this subsection. In the case the market value of land without site improvements cannot be reasonably assessed because of the absence of comparable sales, an exemption value of seventy-five percent (75%) of the market value of land with site improvements shall be granted to that parcel. An application is required for the exemption provided in this subsection in the first year the exemption is claimed; in subsequent consecutive years no new application is required. The application must be made to the board of county commissioners by April 15 and the taxpayer and county assessor must be notified of any decision and assessment of property by May 15. The decision or assessment of property, or both, of the board of county commissioners may be appealed to the county board of equalization no later than the fourth Monday in June. The applicant shall notify the board of county commissioners in writing of any change in eligibility for the parcel by April 15.

SECTION 4. That Section 63-705, Idaho Code, be, and the same is hereby amended to read as follows:

63-705. PUBLICATION OF CHANGES IN INCOME LIMITATIONS AND PROPERTY TAX OR OCCUPANCY TAX REDUCTION AMOUNTS.

(1) (a) The state tax commission shall publish adjustments to the income limitations, which shall be the greater of:

- ~~(a)~~ (i) An individual's income as defined in section 63-701, Idaho Code, of not more than ~~twenty-eight~~ thirty-one thousand nine hundred dollars (\$~~28,031,900~~) per household for tax year ~~2006~~ 2021 and each tax year thereafter; or
- ~~(b)~~ (ii) One hundred eighty-five percent (185%) of the federal poverty guidelines for a household of two (2) for tax year ~~2006~~ 2021 and each tax year thereafter.

(b) On and after January 1, 2022, if the current year's assessed value of the home owned by the individual, according to the current year's assessment notice, exceeds one hundred twenty-five percent (125%) of the median assessed valuation for all homes in the county receiving the homestead exemption pursuant to section 63-602G, Idaho Code, then the individual will instead be referred to the property tax deferral program set forth in sections 63-712 through 63-721, Idaho Code. Using the current year's assessed values, each county shall report the median assessed value of all properties receiving the homestead exemption in such county as of that date to the state tax commission no later than the first Monday in June. Provided, however, the provisions of this paragraph do not apply to a veteran with either a service-connected disability of one hundred percent (100%) or a disability rating based on individual unemployability rating that is compensated at the one hundred percent (100%) disability rate, as certified by the United States department of veterans affairs.

(c) The lowest income limitation shall allow a maximum reduction of one thousand ~~three hundred twenty~~ five hundred dollars (\$1,320500) in tax year ~~2006~~ 2021 and thereafter, or actual property taxes or occupancy taxes, as applicable, whichever is less. Each income limitation and reduction amount shall be prorated based on the basic maximum reduction, in practicable increments so that the highest income limitation will provide for a reduction of ~~one two~~ two hundred fifty dollars (\$1250), or actual property taxes, whichever is less.

(2) The tax commission shall publish the adjustments required by this section each and every year the secretary of health and human services announces cost-of-living modifications, pursuant to 42 U.S.C. 415(i). The adjustments shall be published no later than October 1 of each such year and shall be effective for claims filed in and for the following property tax year.

(3) The publication of adjustments under this section shall be exempt from the provisions of chapter 52, title 67, Idaho Code, but shall be provided to each county and to members of the public upon request and without charge.

SECTION 5. That Section 63-705A, Idaho Code, be, and the same is hereby amended to read as follows:

63-705A. SPECIAL PROPERTY TAX OR OCCUPANCY TAX REDUCTION FOR DISABLED VETERANS. (1) For tax year 20201 and thereafter, regardless of any reduction received under section 63-705, Idaho Code, a veteran with a service-connected disability of one hundred percent (100%) or a disability rating based on individual unemployability rating that is compensated at the one hundred percent (100%) disability rate, as certified by the United States department of veterans affairs, shall receive a special reduction in property taxes or occupancy taxes levied on his homestead, as defined in section 63-701, Idaho Code. The special tax reduction shall be in the amount of one thousand ~~three~~ five hundred ~~twenty~~ dollars (\$1,320500) or for the amount of the veteran's actual property taxes or occupancy taxes, as applicable, whichever is less. If a veteran qualifies for tax reduction under both this section and section 63-705, Idaho Code, the combined tax reduction amount may not exceed the actual amount of the veteran's property taxes or occupancy taxes on his homestead.

(2) An applicant for a special property tax or occupancy tax reduction under this section shall comply with all procedural requirements set forth in sections 63-701 through 63-710, Idaho Code, with the exception of any income documentation.

(3) In the event that a qualified veteran applies for the special tax reduction in this section but then dies, the veteran's surviving spouse is entitled to receive the special tax reduction in that year and subsequent years, until such time as the surviving spouse remarries, dies, or no longer has property tax levied on the homestead.

SECTION 6. That Section 63-715, Idaho Code, be, and the same is hereby amended to read as follows:

63-715. PROCEDURES -- APPEALS. Elections for deferral of payment of property tax shall be subject to the provisions of section 63-706, Idaho Code, and shall be included on the property tax reduction roll and processed and reviewed as provided in section 63-707, Idaho Code, for claims for property tax relief, except that an application for deferral must be submitted to the state tax commission by no later than the first Monday in September.

SECTION 7. 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 otherwise 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 maximum sum permitted under this section:

(a) (i) The highest 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, The taxing district shall determine what portion of the three percent (3%) increase permitted under this subparagraph that it requires and then calculate a preliminary levy rate based on the percent chosen. In calculating the preliminary levy rate, the most current taxable market value shall be used, except that for taxable market values of centrally assessed operating property, the prior year's valuation may be used instead of the current year's taxable market values. The preliminary levy rate shall be multiplied by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code, and by ninety percent (90%) of the value of annexation during the previous calendar year, as certified by the state tax commission for taxable market values of operating property of public utilities and by the county assessor; except for a fire protection district annexing property prior to July 1, 2021, pursuant to section 31-1429, Idaho Code, the new levy rate shall be multiplied by one hundred percent (100%) of the value of any such property annexed prior to July 1, 2021.

(ii) The total budget increase calculated under this paragraph must not exceed eight percent (8%), except that any distribution of funds to a taxing district as a result of the termination of a revenue allocation area of an urban renewal district pursuant to section 50-2909(4), Idaho Code, shall not be subject to such limitation.

(iii) Following the first year in which a fire protection district has annexed city property pursuant to section 31-1429, Idaho Code, the city shall subtract an amount equal to the moneys spent on fire protection services during the last full year the city provided fire protection services to its residents from its budget limitation under this section.

(b) If the taxing district has not imposed a levy for three (3) or more years, the highest dollar amount of property taxes certified for its annual budget for the purpose of paragraph (a) (i) of this subsection shall be 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, may be substituted for the amount in paragraph (a) of this subsection 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 This section does not apply to school district levies imposed in section 33-802, Idaho Code.

(e) (i) 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%) any or all 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, except as provided in subparagraph (iii) of this paragraph.

(ii) If the forgone increase is budgeted for the purpose of maintenance and operations, the rate of recovering the reserved forgone moneys may increase the taxing district's budget by no more than one percent (1%) per year. Provided, however, this cap shall not apply to a taxing district that budgets its reserved forgone moneys for the purpose of maintenance and operations as long as it does not budget, or reserve as forgone, any portion of the three percent (3%) increase otherwise allowed and does not budget any new construction or annexation increases.

(iii) If the forgone increase is budgeted for a capital project or projects, the rate of recovering the reserved forgone moneys may not exceed three percent (3%) of the taxing district's budget for the year in which the forgone increase is budgeted. Forgone moneys budgeted for a capital project must be deducted from the taxing district's forgone balance in the year in which it is budgeted. Upon completion of such a capital project, the taxing district shall certify such completion to the state tax commission and county clerk. If, upon certification, the state tax commission finds that the taxing district included forgone moneys for a capital project in calculating the increase permitted under paragraph (a) of this subsection, the state tax commission shall direct the taxing district to reduce its property tax budget for any year in which the forgone moneys were used to calculate a budget increase, in an amount equal to the forgone moneys budgeted

plus any increases attributed to the forgone moneys improperly included in the taxing district's property tax budget. For the purpose of this paragraph, a capital project includes:

1. The construction, expansion, renovation, or replacement of public facilities, including the acquisition of land and other site improvements;
2. The construction, expansion, or reconstruction of public works improvements, including roads, bridges, water systems, sewer systems, and broadband systems; and
3. The purchase of equipment with a useful life of ten (10) years or more.

(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 reserve the right to recover all or any portion of that year's forgone increase in a subsequent year by adoption of a resolution specifying the dollar amount of property taxes being reserved. Otherwise, that year's forgone increase may not be recovered under paragraph (e) of this subsection. The district must provide notice of its intent to do so and hold a public hearing, which may be in conjunction with its annual budget hearing if applicable. The resolution to reserve the right to recover the forgone increase for that year shall be adopted at the annual budget hearing of the taxing district if the district has a budget hearing requirement.

(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; This section does not apply to cooperative service agency levies imposed in sections 33-317 and 33-317A, 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 8. That Section 63-313, Idaho Code, be, and the same is hereby amended to read as follows:

63-313. SPECIAL PROVISIONS FOR TRANSIENT PERSONAL PROPERTY. (1) All transient personal property shall be listed by the owner and shall show the quantity, name, model, serial number, if any, year of manufacture, date of purchase, cost, whether new or used and other identifying information required by the county assessor. The list of transient personal property shall identify the owner of the property and shall be filed with the home county assessor on or before the first day of November of each year. The owner of transient personal property may elect to treat as his home county that county in which he maintains his residence or usual place of business or in which the transient personal property is usually kept. The report shall be made on forms prescribed by the state tax commission and shall identify periods of thirty (30) days or more during which the personal property is located in a county, specifying the location of the transient personal property for each month of the current calendar year with a projection of the location for the remaining months of November and December.

(2) The county assessor of the home county or the receiving county of the listing shall file within ten (10) days with the county assessor of all counties identified on the report a copy of the report. Each county so identified shall then place a prorated assessment on such personal property on the subsequent or missed property roll only for the length of time that the personal property was located in their county.

(3) In the event that any transient personal property has been or will be taxed for the current year in another state, the property shall be taxed for only that portion of the year that the transient personal property is kept and does remain in the state of Idaho.

(4) The provisions of this section shall not apply to transient personal property in transit through this state, or to transient personal property sold by the owner thereof in the home county upon which the taxes for the full year have been paid or secured, which said transient personal property is kept, moved, transported, shipped or hauled into and remaining in another county, and there kept or remaining either for the purpose of use or sale within the current year.

(5) For transient personal property valued at ~~over~~ more than one hundred thousand dollars (\$100,000), any exemption in section 63-602KK, Idaho Code, available to the taxpayer shall be allocated among counties based on the prorated value provided in subsection (2) of this section.

(6) Beginning January 1, 2022, all transient personal property is exempt from taxation. No replacement moneys shall be provided as a result of this subsection.

SECTION 9. That Section 63-602KK, Idaho Code, be, and the same is hereby amended to read as follows:

63-602KK. PROPERTY EXEMPT FROM TAXATION -- CERTAIN PERSONAL PROPERTY.

(1) (a) An item of taxable personal property purchased on or after January 1, 2013, shall be exempt from property taxation if the item of taxable personal property has an acquisition price of three thousand dollars (\$3,000) or less.

(b) For purposes of this section, the term "acquisition cost" means all costs required to put an item of taxable personal property into service and includes:

- (i) The purchase price of a new or used item;
- (ii) The cost of freight and shipping;
- (iii) The cost of installation, engineering, erection or assembly; and
- (iv) Sales and use taxes.

(c) For purposes of this subsection, an "item of taxable personal property" means equipment, machinery, furniture or other personal property that is functioning at its highest and best use for the purpose it was designed and constructed and is generally capable of performing that function without being combined with other items of personal property. An item of taxable personal property is not an individual component part of a piece of equipment, machinery, furniture or other personal property as a whole. An item of taxable personal property does not include an improvement to real property, a part that will become an improvement, or anything defined as a fixture.

(2) (a) On and after January 1, 2015, except as provided in subsection (8) of this section, each person's personal property, located in the county, which is not otherwise exempt, shall be exempt to the extent of one hundred thousand dollars (\$100,000).

(b) On and after January 1, 2022, except as provided in subsection (8) of this section, each person's personal property, located in the county, which is not otherwise exempt, shall be exempt to the extent of an additional amount of one hundred fifty thousand dollars (\$150,000). The combined exemption under this paragraph and paragraph (a) of this subsection shall not exceed a total amount of two hundred fifty thousand dollars (\$250,000).

(c) For the purposes of this section, a person includes two (2) or more people using the property in a common enterprise who are within a relationship described in section 267 of the Internal Revenue Code, as defined in section 63-3004, Idaho Code.

(3) (a) No later than the third Monday of November 2013, the county clerk of each county shall certify to the state tax commission the amount of exemption from property taxes under subsection (2) (a) of this section, in that county for that year. No later than the third Monday of November 2022, the county clerk of each county shall certify to the state tax commission the amount of exemption from property taxes under subsection (2) (b) of this section in that county for that year. The certification shall identify the property receiving tax reductions, the value of the property, the property's location, the amount of the tax levy applicable to personal property in the location, and the tax before and after the exemption allowed in subsection (2) of this section. The certification shall be in the form prescribed by the state tax commission and shall include such additional information as the commission may require by rule as needed to implement the purpose of this section. The certification shall be reviewed and, if necessary, corrected by the state tax commission.

(b) Except as provided in subsection (7) of this section, ~~the year beginning January 1, 2014, and every year thereafter, a taxing district created prior to January 1, 2013, shall be eligible for reimbursement for the exemptions granted under subsection (2) (a) and (b) of this section.~~ A taxing district created on and after January 1, 2013, and prior to January 1, 2022, shall be eligible for reimbursement of property taxes exempted only under subsection (2) (b) of this section. A taxing district created on or after January 1, 2022, shall not be eligible for reimbursement of any property taxes exempted under this section. ~~The amount of annual replacement of property tax on personal property exempted pursuant to subsection (2) of this section shall be the amount approved by the state tax commission pursuant to paragraph (a) of this subsection.~~

(4) (a) Subject to the limitations of this section, the state tax commission shall reimburse from the amount appropriated for personal property tax replacement in section 63-3638, Idaho Code, the county treasurer of each county for the reduction on the certifications provided in subsection (3) of this section. The county treasurer shall reimburse from the amount received to each taxing district within the county an amount in proportion to the amount of reduction shown on the certifications in subsection (3) of this section as corrected. The amount that would otherwise be attributable to tax revenues derived from tax levies on personal property exempted by this section within an existing revenue allocation area as defined in section 50-2903(15), Idaho Code, shall be paid directly by the county treasurer to such public body or agency entitled thereto, equal to the amounts that would have been distributed in accordance with the formula for such distribution set forth in section 50-2908, Idaho Code. ~~Taxing districts created on or after January 1, 2013, shall not be eligible for the reimbursement provided for in this paragraph.~~

(b) The state tax commission shall pay one-half (1/2) of the reimbursement provided in this section no later than December 20 of each year, and the second one-half (1/2) shall be paid by no later than June 20 of the following year. The money received by the county tax collector under the provisions of this section may be considered by counties and other taxing districts and budgeted against at the same time, and in the same manner, and in the same year as revenues from taxation. The total amount paid to the county treasurers shall not exceed the amount certified to the state tax commission under subsection (3) of this section.

(c) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received from distributions pursuant to section 63-3638, Idaho Code, as property tax replacement for the taxable value of property exempt from taxation pursuant to this section shall be treated as property tax revenues.

(5) (a) Nothing contained in this section shall affect the taxation of forest lands or forest products pursuant to chapter 17, title 63, Idaho Code, or the taxation of the net profits of mines pursuant to chapter 28, title 63, Idaho Code.

(b) The exemption from personal property tax provided for in subsection (2) of this section shall not apply to motor vehicles, recreational vehicles, aircraft and boats that are not registered with the state of Idaho and for which required registration fees have not been paid.

(6) (a) The application for the exemption provided for in subsection (2) of this section shall be in the form prescribed by the state tax commission and shall include such information as the state tax commission may require by rule as needed to implement the purpose of this section including, but not limited to, a list of each item of personal property, the purchase date of each item of personal property, the unit cost of each item of personal property, if more than the exemption allowed in subsection (1) of this section, and the total cost of the items of personal property.

(b) The application for this exemption, if the county is capable of so providing, may be transmitted by the county assessor electronically, as that term is defined in section 63-115, Idaho Code, when requested by the taxpayer, or mailed by the county assessor to the taxpayer, or his agent or representative at the taxpayer's last known post office address, no later than March 1 of each year. The transmission or mailing of the application shall also include the taxpayer's application for the exemption allowed by this section for the last year in which the taxpayer filed an application.

(c) A taxpayer need only make application for the exemption in this section once as long as all of the following conditions are met:

(i) The taxpayer has received the exemption during the previous year as a result of him making a valid application as defined in this section.

(ii) The amount of the exemption allowed by this section is more than the taxable value of personal property owned by the taxpayer.

(iii) The taxpayer has not made purchases of personal property, excluding items of taxable personal property exempted pursuant to subsection (1) of this section, that would cause the taxable value of the personal property owned by the taxpayer to exceed the maximum amount allowed as an exemption by this section.

(d) Knowingly failing to report changes in the taxable value of personal property that exceed the amount of the exemption allowed pursuant to this section shall subject the taxpayer to a fine not in excess of ten thousand dollars (\$10,000) in addition to other penalties set forth in this chapter.

(7) Recovery of property tax exemptions allowed by this section but improperly claimed:

(a) Upon discovery of evidence, facts or circumstances indicating any exemption allowed by this section was improperly claimed, the county assessor shall decide whether the exemption claimed should have been allowed, and if not, notify the board of county commissioners, at which time the board may waive a recovery of the property tax and notify such taxpayer in writing.

(b) The assessment and collection of the recovery of property tax must begin within the seven (7) year period beginning on the date the assessment notice reflecting the improperly claimed exemption was required to be mailed to the taxpayer.

(c) The taxpayer may appeal to the board of tax appeals the decision by the board of county commissioners to assess the recovery of property tax within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section.

(d) For purposes of calculating the tax, the amount of the recovered property tax shall be for each year the exemption allowed by this section was improperly claimed or approved, up to a maximum of seven (7) years. The amount of the recovery of property tax shall be calculated using the product of the amount of exempted value for each year multiplied by the levy for that year plus costs, late charges and interest for each year at the rates equal to those provided for delinquent property taxes during that year. In cases of fraud, the fine set forth in subsection (6) (d) of this section shall be assessed for each tax year.

(e) Any recovery of property tax shall be due and payable no later than the date provided for property taxes in section 63-903, Idaho Code, and if not timely paid, late charges and interest, beginning the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section, shall be calculated at the current rate provided for property taxes.

(f) Recovered property taxes shall be billed, collected and distributed in the same manner as property taxes. If the recovery is for property tax for which the state provided replacement money, the amounts recovered shall be reported and remitted to the state tax commission, which shall reimburse the general fund. The state tax commission will then notify each affected taxing district or unit of its proportionate share of the recovered property tax, which amount shall be deducted from future payments to be made pursuant to subsection (3) of this section.

(g) Thirty (30) days after the taxpayer is notified, as provided in paragraph (a) of this subsection, the assessor shall record a notice of intent to attach a lien. Upon the payment in full of such recovered property taxes prior to the attachment of the lien as provided in paragraph (h) of this subsection, or upon the successful appeal by the taxpayer, the county assessor shall record a rescission of the intent to attach a lien within seven (7) business days of receiving such payment or within seven (7) business days of the county commissioners' decision granting the appeal.

(h) Any unpaid recovered property taxes shall become a lien upon the taxpayer's personal property in the same manner as provided for property taxes in section 63-206, Idaho Code, except such lien shall attach as of the first day of January in the year following the year the county treasurer sent the notice to the taxpayer pursuant to this section.

(i) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection as recovery of property tax shall be treated as property tax revenue.

(8) For operating property with values apportioned to more than one (1) county, the personal property exemption shall be subtracted from the Idaho allocated value prior to apportionment and, for private railcar companies, prior to determining whether their values are to be apportioned. Notwithstanding amounts calculated as provided in subsection (1) of this section, the amount of the exemption otherwise provided in subsection (2) of this section shall be calculated as follows:

(a) Take the lesser amount of:

(i) The number of counties in which a company has operating property multiplied by ~~one~~ two hundred fifty thousand dollars (\$~~10~~250,000); or

(ii) The total statewide value of eligible personal property reported by the company.

(b) Reduce the amount calculated in paragraph (a) of this subsection by the value of any nonoperating personal property granted the exemption otherwise found in subsection (2) of this section, as reported by county assessors.

SECTION 10. 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~~ on 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~~ its 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 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, not including the additional exemption provided for tax year 2022 in section 63-602KK(2)(b), Idaho Code, and the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area of an urban renewal district, located within each taxing district ~~which~~ that 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 11. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and except as provided in subsection (16) of this section, shall be distributed by the state tax commission as follows:

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(2) Five million dollars (\$5,000,000) per year is continuously appropriated and shall be distributed to the permanent building fund, provided by section 57-1108, Idaho Code.

(3) Four million eight hundred thousand dollars (\$4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control fund established by section 39-3628, Idaho Code.

(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts the association determines will keep it self-supporting.

(5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.

(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.

(7) An amount required by the provisions of chapter 87, title 67, Idaho Code.

(8) For fiscal year 2011 and each fiscal year thereafter, four million one hundred thousand dollars (\$4,100,000), of which two million two hundred thousand dollars (\$2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts and one million nine hundred thousand dollars (\$1,900,000) shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012 and for each fiscal year thereafter, the amount distributed pursuant to this subsection shall be adjusted annually by the state tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection be less than four million one hundred thousand dollars (\$4,100,000). Any increase resulting from the adjustment required in this section shall be distributed to each county in

the proportion that the population of the county bears to the population of the state. Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection. All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department, excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission on and after July 1, 2020, as follows:

(a) Forty-five and two-tenths percent (45.2%) shall be paid to the various cities as follows:

(i) The revenue-sharing amount calculated by the state tax commission for the various cities for each quarter of fiscal year 2020 shall be the base amount for current quarterly revenue distribution amounts. The state tax commission shall calculate the per capita distribution for each city resulting from the previous fiscal year's distributions.

(ii) If there is no change in the amount of the revenue-sharing account from the same quarter of the previous fiscal year, then the various cities shall receive the same amount received for the same quarter of the previous fiscal year.

(iii) If the balance of the revenue-sharing account for the current quarter is greater than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then:

1. If the distributions made to the cities during the same quarter of the previous fiscal year were below the base amount established in fiscal year 2020, then the various cities shall first receive a proportional increase up to the base amount for each city and up to a one percent (1%) increase over such base amount. Any remaining moneys shall be distributed to cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with below-average per capita distributions within the state.

2. If the distributions made to the cities during the same quarter of the previous fiscal year were at or above the base amount established in fiscal year 2020, then the cities shall receive the same distribution they received during the same quarter of the previous fiscal year plus a proportional increase up to one percent (1%). Any remaining moneys shall be distributed to the cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with a below-average per capita distribution within the state.

(iv) If the balance of the revenue-sharing account for the current quarter is less than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then the cities shall first receive a proportional reduction down to the base amount established in fiscal year 2020. If further reductions are necessary, the cities shall receive reductions based on the proportion that each city's population bears to the population of all cities within the state.

(b) Forty-seven and one-tenth percent (47.1%) shall be paid to the various counties as follows:

(i) Fifty-nine and eight-tenths percent (59.8%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth (1/44) to each of the various counties; and

2. The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state; and

(ii) Forty and two-tenths percent (40.2%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. Each county that received a payment under the provisions of section 63-3638(e), Idaho Code, as that subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

2. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each county's payment shall be reduced proportionately.

3. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each 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.

4. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid to the various counties in the proportion that the population of the county bears to the population of the state; and

(c) 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 that received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (10)(c) 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)(c) in any quarter exceeds the amount distributed under paragraph (c)(i) of this subsection, each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered forgone amounts as determined under section 63-802(1)(e), Idaho Code. When a special purpose taxing district is situated in more than one (1) county, the state tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.

(iv) If special purpose taxing districts are consolidated, the resulting district is entitled to a base amount equal to the sum of the base amounts received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or 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.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this paragraph (c) of this subsection.

(vii) For purposes of this paragraph (c) of this subsection, a special purpose taxing district is any taxing district that is not a city, a county, or a school district.

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt

from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

(12) Amounts necessary to pay refunds as provided in section 63-3641, Idaho Code, to a developer of a retail complex shall be remitted to the demonstration pilot project fund created in section 63-3641, Idaho Code.

(13) Amounts calculated in accordance with ~~subsection (4)~~ of section 63-602KK(4), 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(2), 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~~ 2022, are not entitled to a payment under the provisions of this subsection.

(14) Amounts collected from purchasers and paid to the state of Idaho by retailers that are not engaged in business in this state and which retailer would not have been required to collect the sales tax, less amounts otherwise distributed in subsections (1) and (10) of this section, shall be distributed to the tax relief fund created in section 57-811, Idaho Code. The state tax commission will determine the amounts to be distributed under this subsection.

(15) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general fund.

(16) One percent (1%), but not less than fifteen million dollars (\$15,000,000), is continuously appropriated and shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code. The distribution provided for in this subsection must immediately follow the distribution provided for in subsection (10) of this section.

SECTION 12. 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 13. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 3, 4, 5, 6, 7, and 12 of this act shall be in full force and effect on and after passage and approval, and retroactively to January 1, 2021. Sections 8, 9, 10, and 11 of this act shall be in full force and effect on and after January 1, 2022.

CHAPTER 361
(H.B. No. 408)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2021; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PERMANENT BUILDING FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2021; PROVIDING REQUIREMENTS FOR THE ACQUISITION OF CERTAIN PROPERTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$2,300,000 from the General Fund to the Permanent Building Fund as soon as practicable for the period July 1, 2020, through June 30, 2021.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 184, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Department of Administration for the Division of Public Works \$2,300,000 from the Permanent Building Fund to be expended for capital outlay for the period July 1, 2020, through June 30, 2021, for the purpose of purchasing and renovating the Carnegie Library.

SECTION 3. ACQUISITION OF PROPERTY. Of the total amount appropriated in Section 2 of this act, no more than \$2,100,000 shall be used for the acquisition of the Carnegie Library at 815 W. Washington St., Boise, Idaho. The Department of Administration shall initiate purchase negotiations as soon as practicable and shall complete such purchase on behalf of and in the name of the state of Idaho.

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

Approved May 17, 2021

CHAPTER 362
(H.B. No. 407)

AN ACT

RELATING TO EFFECTIVE DATES; AMENDING CHAPTER 290, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 290, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 291, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 291, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 292, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 7, CHAPTER 292, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 294, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 294, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 295, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 5, CHAPTER 295, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING SECTION 7, CHAPTER 296, LAWS OF 2021, TO PROVIDE AN EFFECTIVE DATE; AMENDING SECTION 3, CHAPTER 297,

339, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 340, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 6, CHAPTER 340, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 341, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 341, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 344, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 4, CHAPTER 344, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 290, Laws of 2021 (S.B. 1043aa, relating to education), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 290, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 2. That Chapter 291, Laws of 2021 (H.B. 299, relating to the public integrity in elections act), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 291, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 3. That Chapter 292, Laws of 2021 (S.B. 1006, relating to the Idaho literacy achievement and accountability act), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 7, Chapter 292, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 4. That Chapter 294, Laws of 2021 (H.B. 161aa,aaS, relating to motor vehicles), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 294, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 5. That Chapter 295, Laws of 2021 (H.B. 229aaS, relating to snowmobile fees), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 295, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 6. That Section 7, Chapter 296, Laws of 2021 (H.B. 367, relating to appropriations), be, and the same is hereby amended to read as follows:

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval, and Sections 3 through 6 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 7. That Section 3, Chapter 297, Laws of 2021 (H.B. 371, relating to the appropriation to the Idaho state police), be, and the same is hereby amended to read as follows:

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after passage and approval, and Section 2 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 8. That Chapter 298, Laws of 2021 (S.B. 1194, relating to the appropriation to the division of financial management for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 298, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 9. That Chapter 299, Laws of 2021 (S.B. 1206, relating to the appropriation to the office of the attorney general for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 299, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 10. That Chapter 300, Laws of 2021 (S.B. 1207, relating to the appropriation to the legislative branch for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 300, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 11. That Section 3, Chapter 301, Laws of 2021 (S.B. 1208, relating to the appropriation to the office of the state controller), be, and the same is hereby amended to read as follows:

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after passage and approval, and Section 2 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 12. That Chapter 302, Laws of 2021 (S.B. 1046aa,aa, relating to education), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 302, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 13. That Chapter 303, Laws of 2021 (S.B. 1185, relating to the appropriation to the department of health and welfare for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 11, Chapter 303, Laws of 2021, and to read as follows:

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 14. That Chapter 305, Laws of 2021 (S.B. 1202, relating to the appropriation to the office of the state board of education for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 8, Chapter 305, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 15. That Chapter 307, Laws of 2021 (S.B. 1211, relating to wolves), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6, Chapter 307, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 16. That Chapter 308, Laws of 2021 (S.B. 1173, relating to the appropriation to the department of health and welfare for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 10, Chapter 308, Laws of 2021, and to read as follows:

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 17. That Chapter 309, Laws of 2021 (S.B. 1209, relating to the appropriation to the department of parks and recreation for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 309, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 18. That Chapter 310, Laws of 2021 (H.B. 284, relating to the appropriation to the catastrophic health care program for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 310, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 19. That Section 6, Chapter 312, Laws of 2021 (H.B. 353, relating to the appropriation to the public schools educational support program's division of administrators), be, and the same is hereby amended to read as follows:

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, and Sections 1 through 4 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 20. That Section 18, Chapter 313, Laws of 2021 (H.B. 356, relating to the appropriation to the public schools educational support program's division of children's programs), be, and the same is hereby amended to read as follows:

SECTION 18. An emergency existing therefor, which emergency is hereby declared to exist, Sections 14, 15, 16, and 17 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 13 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 21. That Chapter 314, Laws of 2021 (H.B. 358, relating to the appropriation to the public schools educational support program's division of central services for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 12, Chapter 314, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 22. That Section 7, Chapter 315, Laws of 2021 (H.B. 372, relating to the appropriation to the department of education), be, and the same is hereby amended to read as follows:

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 5 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 23. That Chapter 316, Laws of 2021 (H.B. 373, relating to the appropriation to the Idaho commission for libraries for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 316, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 24. That Chapter 317, Laws of 2021 (H.B. 374, relating to the appropriation to the department of health and welfare for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 317, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 25. That Section 4, Chapter 318, Laws of 2021 (H.B. 382, relating to the appropriation to the department of health and welfare), be, and the same is hereby amended to read as follows:

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 3 of this act shall be in full force and effect on and after passage and approval, and Section 2 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 26. That Chapter 321, Laws of 2021 (S.B. 1053aa, relating to codifier's corrections), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 43, Chapter 321, Laws of 2021, and to read as follows:

SECTION 43. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 27. That Chapter 322, Laws of 2021 (S.B. 1063, relating to the secretary of state), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 322, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 28. That Chapter 323, Laws of 2021 (S.B. 1064, relating to election ballots), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 323, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 29. That Chapter 324, Laws of 2021 (S.B. 1065, relating to notaries public), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 324, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 30. That Chapter 325, Laws of 2021 (S.B. 1067, relating to elections), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 15, Chapter 325, Laws of 2021, and to read as follows:

SECTION 15. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 31. That Chapter 326, Laws of 2021 (S.B. 1075, relating to education), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 326, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 32. That Chapter 327, Laws of 2021 (S.B. 1105, relating to bonds and levies), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 327, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 33. That Chapter 330, Laws of 2021 (S.B. 1212, relating to the appropriation to the department of health and welfare for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5, Chapter 330, Laws of 2021, and to read as follows:

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2021.

SECTION 34. That Chapter 335, Laws of 2021 (H.B. 258, relating to alcohol), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 335, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 35. That Chapter 337, Laws of 2021 (H.B. 348, relating to city appropriation ordinances), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2, Chapter 337, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 36. That Section 13, Chapter 338, Laws of 2021 (H.B. 355, relating to the appropriation to the public schools educational support program's division of operations), be, and the same is hereby amended to read as follows:

SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, Sections 10, 11, and 12 of this act shall be in full force and effect on and after passage and approval, and Sections 1 through 9 of this act shall be in full force and effect on and after July 1, 2021.

SECTION 37. That Chapter 339, Laws of 2021 (H.B. 362, relating to transportation funding), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 339, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 38. That Chapter 340, Laws of 2021 (H.B. 369, relating to the appropriation to the department of health and welfare for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6, Chapter 340, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 39. That Chapter 341, Laws of 2021 (H.B. 370, relating to the appropriation to the division of financial management for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 3, Chapter 341, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 40. That Chapter 344, Laws of 2021 (H.B. 383, relating to the appropriation to the office of the lieutenant governor for fiscal year 2022), be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 344, Laws of 2021, and to read as follows:

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 July 1, 2021.

SECTION 41. 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 May 17, 2021

CHAPTER 363
(S.B. No. 1219)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2021; 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 180, Laws of 2020, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Controller for the Administration Program \$2,196,200 from the American Rescue Plan Fund to be expended for trustee and benefit payments for the period July 1, 2020, through June 30, 2021, to be distributed to units of local government in Idaho with populations under fifty thousand (50,000) pursuant to the American Rescue Plan Act of 2021.

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 May 17, 2021

CHAPTER 364
(S.B. No. 1214)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE CONSUMER PROTECTION FUND TO THE GENERAL FUND FOR FISCAL YEAR 2021; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PUBLIC EDUCATION STABILIZATION FUND FOR FISCAL YEAR 2021; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE BUDGET STABILIZATION FUND FOR FISCAL YEAR 2021; APPROPRIATING AND TRANSFERRING MONEYS FROM THE STATE REGULATORY FUND TO THE GENERAL FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE STATE HIGHWAY FUND TO THE GENERAL FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE UNEMPLOYMENT PENALTY AND INTEREST FUND TO THE GENERAL FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE TWENTY-SEVENTH PAYROLL FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE DISASTER EMERGENCY ACCOUNT TO THE TAX RELIEF FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE TAX REBATE FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE BUSINESS INFORMATION INFRASTRUCTURE FUND FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. FISCAL YEAR 2021 CASH TRANSFER FROM THE CONSUMER PROTECTION FUND. Notwithstanding the provisions of Section 48-606, Idaho Code, there is hereby appropriated and the Office of the State Controller shall transfer \$4,000,000 from the Consumer Protection Fund to the General Fund as soon as practicable for the period July 1, 2020, through June 30, 2021.

SECTION 2. FISCAL YEAR 2021 CASH TRANSFER TO THE PUBLIC EDUCATION STABILIZATION FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$34,292,500 from the General Fund to the Public Education Stabilization Fund as soon as practicable for the period July 1, 2020, through June 30, 2021.

SECTION 3. FISCAL YEAR 2021 CASH TRANSFER TO THE BUDGET STABILIZATION FUND. Notwithstanding the provisions of Section 57-814(2) (a) through (c), Idaho Code, which require a transfer from the General Fund, limit the allowable balance in the Budget Stabilization Fund to ten percent (10%) of total General Fund receipts for the fiscal year just ending, and require the Office of the State Controller to transfer excess moneys in the Budget Stabilization Fund back to the General Fund, and any other provision of law to the contrary, it is hereby appropriated and the Office of the State Controller shall transfer \$214,000,000 from the General Fund to the Budget Stabilization Fund established in Section 57-814, Idaho Code, as soon as practicable for the period July 1, 2020, through June 30, 2021.

SECTION 4. FISCAL YEAR 2022 CASH TRANSFER FROM THE STATE REGULATORY FUND. Notwithstanding the provisions of Section 54-1720, Idaho Code, there is hereby appropriated and the Office of the State Controller shall transfer \$117,500 from the State Regulatory Fund to the General Fund on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 5. FISCAL YEAR 2022 CASH TRANSFER FROM THE STATE HIGHWAY FUND. Notwithstanding the provisions of Section 40-705, Idaho Code, there is hereby appropriated and the Office of the State Controller shall transfer \$108,900 from the State Highway Fund to the General Fund on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 6. FISCAL YEAR 2022 CASH TRANSFER FROM THE UNEMPLOYMENT PENALTY AND INTEREST FUND. Notwithstanding the provisions of Section 72-1348, Idaho Code, there is hereby appropriated and the Office of the State Controller shall transfer \$108,900 from the Unemployment Penalty and Interest Fund to the General Fund on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 7. FISCAL YEAR 2022 CASH TRANSFER TO THE TWENTY-SEVENTH PAYROLL FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$15,000,000 from the General Fund to the Twenty-Seventh Payroll Fund on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 8. FISCAL YEAR 2022 CASH TRANSFER FROM THE DISASTER EMERGENCY ACCOUNT. There is hereby appropriated and the Office of the State Controller shall transfer \$39,300,000 from the Disaster Emergency Account to the Tax Relief Fund on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 9. FISCAL YEAR 2022 CASH TRANSFER TO THE TAX REBATE FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$40,000,000 from the General Fund to the Tax Rebate Fund on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 10. FISCAL YEAR 2022 CASH TRANSFER TO THE BUSINESS INFORMATION INFRASTRUCTURE FUND. There is hereby appropriated and the Office of the State Controller shall transfer \$3,000,000 from the General Fund to the Business Information Infrastructure Fund on July 1, 2021, or as soon thereafter as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, and 3 of this act shall be in full force and effect on and after passage and approval. Sections 4, 5, 6, 7, 8, 9, and 10 of this act shall be in full force and effect on and after July 1, 2021.

Approved May 17, 2021

SENATE JOINT RESOLUTION

(S.J.R. No. 102)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO RELATING TO SESSIONS OF THE LEGISLATURE; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 8, Article III, of the Constitution of the State of Idaho be amended to read as follows:

Section 8. SESSIONS OF LEGISLATURE. (1) The regular sessions of the legislature shall must be held annually at the capital of the state, commencing on the second Monday of January of each year, unless a different day shall have been appointed by law, and at other times in extraordinary sessions when convened by the governor and in organizational sessions commencing on the first Thursday of December after the general election, unless a different day shall have been appointed by law.

(2) The legislature, while remaining a part-time, citizen legislature, must also be convened in special session by the president pro tempore of the senate and the speaker of the house of representatives upon receipt of a joint written petition of at least sixty percent of the membership of each house, specifying the subjects to be considered. Such special session must commence no later than fifteen days after the petition is received by the president pro tempore of the senate and the speaker of the house of representatives. At a special session convened pursuant to this section, the legislature shall have no power to consider or pass any bills or resolutions on any subjects other than those specified in the petition and those necessary to provide for the expenses of the session.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 8, Article III, of the Constitution of the State of Idaho be amended to provide that the Legislature must convene in organizational sessions commencing on the first Thursday of December after the general election, unless a different day shall have been appointed by law, and in special session by the President Pro Tempore of the Senate and the Speaker of the House of Representatives no later than fifteen days following the receipt of a joint written petition of at least sixty percent of the membership of each house specifying subjects to be considered, and to provide that the

Legislature shall have no power in such a special session to consider or pass any bills or resolutions on any subjects other than those specified in the petition and those necessary to provide for the expenses of the session?"

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Adopted by the Senate March 3, 2021

Adopted by the House April 20, 2021

SENATE JOINT MEMORIALS

(S.J.M. No. 101)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, 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-sixth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Medal of Honor is the United States of America's highest and most-prestigious personal military decoration that may be awarded to recognize United States military service members who have distinguished themselves by acts of valor. The Medal of Honor represents the indomitable spirit, determination, selflessness, and gallantry of those who, in the face of overwhelming odds, performed far beyond the call of duty; and

WHEREAS, as members of the "Greatest Generation," which represented the character and strength of the State of Idaho and the United States, Captain Arthur Junior Jackson, United States Marine Corps, who served with the 3rd Battalion, 7th Marine Regiment, and Robert Dale Maxwell, United States Army, who served with the 7th Infantry Regiment, 3rd Infantry Division, were both awarded the Medal of Honor during World War II for gallantry, risking their lives, and acting with valor. Both Captain Arthur Junior Jackson and Robert Dale Maxwell, along with Idaho's other Medal of Honor recipients, are now deceased, leaving only memories of their heroic acts. The stories of these patriots' courage and valor during the war should never be forgotten; and

WHEREAS, the President of the United States holds the authority to designate a state funeral. A number of state funerals to honor our war heroes have been held in the past, including the 1921 state funeral for the Unknown Soldier of World War I and the 1964 state funeral honoring General Douglas MacArthur. These state funerals have offered our nation the opportunity to pause, reflect, and honor the service of those individuals and those who served alongside them; and

WHEREAS, the last surviving Medal of Honor recipients from World War II are 96-year-old Hershel "Woody" Williams, a retired United States Marine Corps warrant officer and United States Department of Veterans Affairs veterans service representative, and 99-year-old Charles H. Coolidge, who served as a United States Army technical sergeant.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that a state funeral be held at such time of the passing of the last World War II Medal of Honor recipient, to honor the last surviving Medal of Honor recipient from World War II, and to honor

those who served in World War II, such distinction giving our nation the opportunity to thank those who saved the world from Nazism, fascism, and militaristic imperialism. This national recognition would also serve to honor the 473 service members who were awarded the Medal of Honor for service during World War II, along with the 16 million American men and women who faithfully served our nation, including many Idahoans, during that war, paying a final salute to the millions of men and women of the "Greatest Generation" who served our country from 1941 to 1945.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 15, 2021

Adopted by the House April 8, 2021

(S.J.M. No. 102)

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 EACH OF THE SPEAKERS AND SENATE PRESIDENTS OF THE NINETY-NINE STATE LEGISLATIVE CHAMBERS IN THE 50 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-sixth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, an independent United States Supreme Court is an essential element of America's system of checks and balances that protects our constitutional rights; and

WHEREAS, the Supreme Court has been composed of nine justices for more than 150 years; and

WHEREAS, the President and Congress should be prohibited from undermining the independence of the Supreme Court by changing the number of justices on the Court.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature of the State of Idaho urges Congress to propose the "Keep Nine Amendment" to the United States Constitution that states: "The Supreme Court of the United States shall be composed of nine Justices."

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 Majority Leader of the United States Senate, 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 each of the speakers and senate presidents of the 99 state legislative chambers in the 50 states.

Adopted by the Senate February 15, 2021

Adopted by the House April 8, 2021

(S.J.M. No. 103)

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 STATES OF IDAHO, MONTANA, WASHINGTON, AND OREGON 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-sixth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Idaho Legislature recognizes the Columbia-Snake River System as part of the United States Marine Highway network; and

WHEREAS, the Columbia-Snake River System and its tributaries, collectively and in its entirety, are a multiuse system providing navigation, transportation, fish and wildlife habitat, recreation, hydropower generation, flood control, and irrigation to the citizens and industry of the Pacific Northwest; and

WHEREAS, the Columbia-Snake River System and its tributaries provide a vital contribution to the well-being of the State of Idaho and to the quality of life of its citizens, being among the most operationally important and cost-effective projects in the Federal Columbia River Power System; and

WHEREAS, a balanced river system produces economic benefits like jobs, trade, and renewable electricity while caring for environmental values through good management practices and reinvestment in our natural resources; and

WHEREAS, no amount of money can replace the lifestyle and economies of the communities that depend upon the Columbia-Snake River System's hydropower, navigation, irrigation, flood risk management, recreation, and municipal and industrial water supply benefits; and

WHEREAS, the State of Idaho reasserts and confirms sovereign control over all water resources within the state; and

WHEREAS, the decline of anadromous fish is due to many factors, including increased predation, unfavorable ocean conditions, and harvest levels; and

WHEREAS, breaching the four lower Snake River dams is an idealistic, single variable model to Pacific salmon recovery that flies in the face of reality for salmon, is illogical from an environmental perspective, hurts industry and communities, puts politics over science and local jobs, and may neither restore Idaho salmon nor prevent their extinction; and

WHEREAS, only four of the thirteen Endangered Species Act-listed salmon runs swim past the lower Snake River dams, and they do so with over 95% survival at each of the dams; and

WHEREAS, breaching the four lower Snake River dams would be a drastic measure that would forever alter our way of life in the Pacific Northwest; and

WHEREAS, breaching the lower Snake River dams is an outdated argument that is not supported by current dam passage survival studies of juvenile Pacific salmon; and

WHEREAS, in 2008, 2014, and 2020 the National Oceanic and Atmospheric Administration produced biological opinions that stated breaching the four lower Snake River dams was not necessary action for salmon recovery; and

WHEREAS, the governor of Idaho commissioned the Governor's Salmon Workgroup, a diverse group of stakeholders that worked for 18 months to study the issue of salmon recovery, representing for the first time broad interests working collaboratively to help shape the state's salmon and steelhead policy; and

WHEREAS, that workgroup developed many practical recommendations to address the issue of improved river systems and habitat conditions for healthy salmon populations, specifically excluding any recommendations for removing dams; and

WHEREAS, due to the efforts of the state, the Nez Perce Tribe, and Idaho water users in entering into the 2004 Snake River Water Rights Agreement, up to 487,000 acre-feet of Idaho's water is used for flow augmentation for salmon and steelhead in the lower Snake and Columbia rivers, with water being released through willing-buyer, willing-seller arrangements. In return for flow augmentation, the 2004 agreement provides protections to Idaho water users in the form of a 30-year biological opinion; and

WHEREAS, agricultural and industrial applications of water have a legal priority within the state; and

WHEREAS, the Port of Lewiston, Idaho's only seaport, is part of the collective Columbia-Snake River System and is an asset to the State of Idaho and an asset to the Inland Northwest region, providing global competitiveness and connectivity for regional products, economic development investment, and multimodal transportation; and

WHEREAS, the State of Idaho supports the Port of Lewiston activities and believes that reservoir drawdowns or removal of the dams on the lower Snake and Columbia rivers would inflict on the citizenry a loss of recreation, an increase in electric rates, a loss of navigation, a risk of floods, economic hardship, and an impaired quality of life; and

WHEREAS, cruise boat traffic to the Port of Lewiston has steadily increased over the last 10 years and is projected to increase from 19,000 passengers in 2019 to over 33,000 passengers in 2022, a growth of 76%, bringing much financial growth to the entire Snake River area; and

WHEREAS, the Columbia-Snake River System acts as a top wheat export gateway in the United States, with approximately 10% of all United States wheat exports barged through the four dams on the Snake River and about 50% of all Idaho-grown wheat barged from Lewiston to Portland and then onto export markets around the world; and

WHEREAS, barging on the Columbia and Snake rivers is the safest, most fuel-efficient means of transporting cargoes in the Northwest, being 40% more fuel-efficient than freight trains and 270% more fuel-efficient than semitrucks; and

WHEREAS, without the ability to barge goods down the river, diesel fuel consumption would increase by nearly 5 million gallons per year as barges would be replaced by less efficient truck-to-rail shipments, resulting in increases in carbon dioxide and other harmful emissions by over 1.2 million tons per year; and

WHEREAS, the Columbia-Snake River System is also highly valued on the west coast for forest product exports and mineral exports, is second in the nation for soy exports, and is a major gateway for auto imports and exports. Each year, around 250,000 tons of wood chips are barged from the Lower Granite Pool to be turned into pulp for paper production at mills on the lower Columbia River; and

WHEREAS, hydroelectric power is one of the best energy sources we have, with clean, reliable, renewable baseload generation that is more valuable than ever as the four lower Snake River dams produce thousands of megawatts of low-cost, affordable electricity, which is renewable energy that provides power to 22 rural Idaho utilities serving tens of thousands of Idahoans, numerous Idaho cities, farmers, and industries, while acting as a battery to integrate other intermittent renewable energy resources on the system; and

WHEREAS, the Idaho Legislature believes that any actions to degrade the functionality, in whole or in part, or to remove or breach dams on the Columbia-Snake River System or its tributaries, or to take water from the state for anadromous fish enhancement efforts would inflict on the citizenry of the state a loss in economic and trade opportunities, a loss of recharge waters for the state's aquifers, a loss of navigation and transportation, an increased risk of floods, an increase in electrical rates, a shortfall in power generation, a loss of recreational opportunities, and a threatened quality of life for Idaho citizens.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Idaho opposes the removal or breaching of the dams on the Columbia-Snake River System and its tributaries, has sovereignty of its water resources, prohibits contributions of water from Idaho's reservoirs for flow augmentation except those expressly authorized by state law, contends that efforts for further recovery of anadromous fish must be based on sound science, and supports maintenance and multiple-use benefits of the Columbia-Snake River System. Additionally, the Idaho Legislature recognizes and supports the international competitiveness, multimodal transportation, and economic development benefits provided by the Port of Lewiston.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress and to the congressional delegations representing the states of Idaho, Montana, Washington, and Oregon in the Congress of the United States.

Adopted by the Senate March 9, 2021
Adopted by the House April 8, 2021

(S.J.M. No. 104)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO GOVERNOR BRAD LITTLE, 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-sixth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, it is the policy of the state of Idaho and its local governments to advance and defend a balanced, dynamic criminal justice partnership with the federal government; and

WHEREAS, Congress and the Biden Administration should avoid federalizing crime policy and substituting national laws for state and local policy decisions affecting criminal and juvenile justice, and federal jurisdiction should be reserved for areas where a national problem has been identified and states are unable to adequately provide solutions due to scope or where it is required to protect federal constitutional rights; and

WHEREAS, Congress and the Biden Administration must recognize that states and local governments have the predominant responsibility to ensure public safety and the administration of justice and must adhere to fundamental principles of federalism in all areas of criminal justice; and

WHEREAS, states diligently strive to improve criminal justice systems and policies and recognize that federal funding is sometimes necessary to implement state reforms in this area, and funding levels for Department of Justice grants and reimbursements to states should be maintained; and

WHEREAS, the state of Idaho joins the National Conference of State Legislatures in opposing congressional proposals or federal regulations that would withhold a portion of state criminal justice grants or other funding as a penalty for noncompliance with federal criminal justice policies and opposes the withholding of any federal criminal justice funding as a penalty for state policy choices; and

WHEREAS, the state of Idaho urges the federal government to respect state criminal justice priorities and pursue partnerships rather than mandates.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the state of Idaho affirms its commitment to the Tenth Amendment of the United States Constitution that is the cornerstone of constitutional federalism and reserves broad powers to the states and to the people and that Congress and the Biden Administration must allow states their authority to shape public policy in all areas of criminal justice.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to Governor Brad Little, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate March 16, 2021

Adopted by the House April 12, 2021

(S.J.M. No. 105)

A JOINT MEMORIAL

TO PRESIDENT JOE BIDEN, 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-sixth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, on September 9, 2021, President Joe Biden issued two executive orders mandating COVID-19 vaccines for federal workers and contractors and further unveiled new vaccine or testing requirements for health care providers and employers with 100 or more employees; and

WHEREAS, such an effort to compel Americans to submit to vaccination by using the force of federal government is an overreach of the power the several states entrusted to that central government under the principles of American federalism; and

WHEREAS, in addition to the moral and constitutional concerns inherent in such a sweeping, invasive mandate, the Biden Administration's plan would place an onerous burden on employers, particularly health care providers, by forcing these employers to choose between complying with federal orders or maintaining their workforce. Many health care employees and other segments of the workforce have found it necessary to stage protests or otherwise communicate their disapproval of a vaccine mandate. When viewed in the present context of nationwide labor shortages and political divisiveness, the plan is remarkably ill-timed; and

WHEREAS, the Legislature finds that inoculation is a personal medical choice, and an attack on such choice is to chisel away at the freedom and liberty upon which this nation was founded. Vaccination should not be required

as a condition of employment, public or private, and religious exemptions should always be honored; and

WHEREAS, the Legislature finds it necessary and proper to voice its opposition to the Biden Administration's COVID-19 vaccine mandate and to state its position that President Biden's plan to fine large employers that do not require their employees to be vaccinated or submit to weekly COVID-19 testing is an unconstitutional overreach of executive authority as set forth in Article II of the United States Constitution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Legislature strongly opposes the Biden Administration's vaccine mandate for federal workers and contractors as well as the proposed requirements for large employers and health care employers to require vaccination and testing as erosions of the freedom and liberty of the people of this state and nation.

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 President Joe Biden, 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 November 16, 2021

Adopted by the House November 16, 2021

HOUSE JOINT MEMORIAL

(H.J.M. No. 1)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, 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-sixth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, COVID-19 has done irreparable damage to countries across the globe, causing sickness, death, economic disruption, and human suffering; and

WHEREAS, in Idaho, thousands have been infected, many have died, families have been separated from dying loved ones, small businesses are shuttering their doors, and those living paycheck to paycheck are struggling to put food on the table; and

WHEREAS, by late December 2019, Chinese government health officials had evidence of human-to-human transmission, but until January 20, 2020, Chinese officials continued to insist that there was no evidence of human-to-human transmission; and

WHEREAS, the Chinese government lied to the world about the danger and contagious nature of COVID-19, silenced whistleblowers, denied human-to-human transmission in the face of mounting evidence, and did little to stop the spread of the disease; and

WHEREAS, reports indicate that Chinese government officials, while they were concealing the outbreak, began hoarding quality personal protective equipment (PPE) while permitting only defective PPE to be exported to the rest of the world, thus endangering the lives of health care workers and first responders in other countries; and

WHEREAS, the actions of the Chinese government and the Chinese Communist Party caused millions of people across the globe to be exposed to COVID-19; and

WHEREAS, the Chinese government is a dictatorship that is responsible for the deaths of tens of millions of people in its history and is currently waging genocide against the Uighur people in western China.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Chinese government and the Chinese Communist Party should be held accountable for their crimes against humanity, their horrendously irresponsible and deceitful handling of the COVID-19 outbreak, and the deadly aftermath that followed all over the world. The Idaho Legislature believes the Communist Chinese government to be a hostile state and that the Chinese government should be sanctioned for its misdeeds.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 1, 2021

Adopted by the Senate April 7, 2021

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 102)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE ACTIVATION OF CLOSED CAPTIONING ON TELEVISION MONITORS IN PUBLIC VENUES.

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

WHEREAS, in the interest of eliminating isolation and segregation and encouraging the gathering and participation of all individuals, it is sound public policy to promote full and equal communication access to all; and

WHEREAS, televisions are increasingly used in venues open to the general public, such as hospital waiting rooms, restaurants, small businesses, health clubs, social recreation facilities, airport lounges, and more; and

WHEREAS, hearing loss is a part of life for many individuals in Idaho; and

WHEREAS, a 2011 study by Johns Hopkins researchers estimated that approximately one in five Americans who are 12 years of age or older have some type of hearing loss in one or both ears that affects their ability to communicate and receive information; and

WHEREAS, hearing loss is one of the most common disabilities in Idaho; and

WHEREAS, closed captioning displays the audio portion of a television program as text on the television screen, providing access to news, entertainment, and information for individuals who are deaf or hard of hearing; and

WHEREAS, the Federal Communications Commission requires video programming shown on television and over the internet, after being shown on television, to be closed captioned; and

WHEREAS, all modern televisions are built to support closed captioning; and

WHEREAS, activating closed captioning on television monitors located in public venues promotes full communication access for people who are deaf or hard of hearing; improves comprehension for viewers who are learning English as a second language; provides access to news and information for everyone in a noisy environment; improves comprehension of on-screen dialogue that is spoken very quickly, mumbled, or spoken with accents or when there is a lot of background noise; and assures full information is shared with all during times of emergencies.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature urges the activation of closed captioning on television monitors located in public venues during hours when the venue is open to the general public and the monitors are in use.

Adopted by the Senate February 9, 2021

Adopted by the House February 18, 2021

(S.C.R. No. 104)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING THE CHANGE IN THE WINTER FLOOD CONTROL RULE CURVES OF THE RIRIE RESERVOIR PROJECT TO MORE PROPERLY BALANCE RIRIE RESERVOIR WATER SUPPLY AND IRRIGATION SUPPLIES WITH ADEQUATE FLOOD CONTROL.

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

WHEREAS, the flood control rule curves for Ririe Reservoir were developed prior to the time Ririe storage space was contracted; and

WHEREAS, the storage space in Ririe Reservoir is now contracted to Mitigation, Inc., following the 1990 Fort Hall Indian Water Rights Agreement, and the contracted space has proven to be unreliable and difficult to fill; and

WHEREAS, the Ririe Dam enacting legislation allows for modification of flood control rule curves as additional information becomes available and standard operating procedures state the flood control objective of Ririe Dam is "to provide adequate storage space in the reservoir to regulate stream flow downstream insofar as possible to a non-damaging level, and yet still provide a near full reservoir at the end of the flood season for irrigation and other project purposes"; and

WHEREAS, conditions in the Willow Creek basin have changed since the flood control rule curves were developed, including the establishment of an annual maintenance schedule to keep Willow Creek Canal, Sand Creek Canal, and the Willow Creek Floodway Channel free of ice during the winter and the development of offstream storage facilities, all of which substantially reduce the risk of flooding; and

WHEREAS, the current flood control rule curves do not rely upon current or updated hydrologic conditions on Willow Creek; and

WHEREAS, the standard operating procedures require cooperation between the United States Bureau of Reclamation (USBR), the United States Army Corp of Engineers (USACE), the Idaho Department of Water Resources, the Water District 01 Watermaster, water users, the Idaho Department of Fish and Game, local interests, and others in order to provide maximum benefits for the region; and

WHEREAS, water users of Mitigation, Inc. are dependent upon available water supplies in order to mitigate the impacts to their water supply caused by the Fort Hall Indian Water Rights Agreement, and therefore adjusting the flood control rule curves may increase the reliability of contracted storage supplies in Ririe Reservoir; and

WHEREAS, increased carryover water in upper basin reservoirs, like Ririe Reservoir, benefits water user storage allocations in Water District 01 by holding water high in the storage system and exchanging it with other reservoir storage in order to increase reliability; and

WHEREAS, the USBR and the USACE have completed the phase 1 updated flood risk evaluation and additional water storage and feasibility study at Ririe Reservoir, which has shown how the reevaluation of winter flood control operations could retain flood control benefits while also providing valuable storage benefits during some years; and

WHEREAS, the USBR completed a Draft Environmental Assessment: Ririe Winter Storage Study for Ririe Dam and Reservoir in 2014 that compares No Action to Alternative 1 with a finding of no significant natural resource or socioeconomic impact; and

WHEREAS, legislation, including the Water Infrastructure Improvements for the Nation Act, has been passed by Congress to facilitate efforts to improve and update the Ririe Reservoir winter flood control rule curves by leveraging federal infrastructure for increased water supplies; and

WHEREAS, notwithstanding the compelling reasons for a change in the flood control curves to retain storage in Ririe Reservoir, those involved in the federal government agencies are reluctant to allow reasonable modifications based, in part, on using statistically low probabilities of a flood occurring in Willow Creek, which has never been seen in the history of the basin or region; and

WHEREAS, the Idaho Legislature and the State of Idaho have gone on record as fully supporting additional storage in the State of Idaho and recognize that the Ririe Dam is clearly capable of retaining additional storage without the substantial costs associated with constructing new storage facilities and without increasing the risks imposed on any other reservoir within Water District 01; and

WHEREAS, the Idaho Legislature intends to provide a portion of the current economic surplus enjoyed by the State of Idaho to the Idaho Water Resource Board for projects and studies similar to those of the Ririe Reservoir flood control rule curve modifications and recognizes that the costs associated with those studies and projects are beyond the means available to Mitigation, Inc. to undertake to their conclusion.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Legislature does hereby resolve to call upon the federal government through its applicable agencies and personnel to finish the flood risk study, which will result in changing the flood control rule curves of the Ririe Reservoir based on the hydrologic analysis completed in phase 1 of the study, to better match the current conditions in the Willow Creek basin and allow for a more dependable contracted storage supply in Water District 01, and to provide for full mitigation of the impacts resulting from the 1990 Fort Hall Indian Water Rights Agreement.

BE IT FURTHER RESOLVED that the Idaho Legislature supports and encourages the Idaho Water Resource Board to consider a proposal to provide financial resources to Mitigation, Inc. to finalize the studies and projects necessary to change the Ririe Reservoir flood control rule curves.

BE IT FURTHER RESOLVED that the Idaho Governor be encouraged to join with the Idaho Legislature in supporting the change in the winter flood control rule curves of the Ririe Reservoir project to more properly balance Ririe Reservoir water supply and irrigation supplies with adequate flood control.

Adopted by the Senate February 18, 2021

Adopted by the House April 7, 2021

(S.C.R. No. 106)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE IDAHO WHEAT COMMISSION TO ENTER INTO AGREEMENTS WITH THE STATE BUILDING AUTHORITY TO FINANCE THE CONSTRUCTION OF A NEW BUILDING AT 821 W. STATE STREET IN BOISE TO HOUSE OFFICES OF THE IDAHO WHEAT COMMISSION AND OTHER STATE COMMODITY COMMISSIONS AND AGRICULTURAL GROUPS.

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

WHEREAS, the Idaho Wheat Commission, a self-governed agency of the State of Idaho, currently owns the property and building at 821 W. State Street, Boise, Idaho; and

WHEREAS, the building is nearly 80 years old and approaching the end of its useful life as maintenance and upkeep costs continue to rise; and

WHEREAS, the Idaho Wheat Commission building has been instrumental in creating an office environment where agricultural commissions and groups may share office expenses and collaborate on matters of mutual interest; and

WHEREAS, funds employed in the original purchase of the building have been a wise investment of wheat grower dollars; and

WHEREAS, the timing is favorable for bonding due to historically low interest rates.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature authorizes and approves the Idaho Wheat Commission to enter into an agreement or agreements with the Idaho State Building Authority, under such terms and conditions as may be reasonable and necessary, to provide financing to construct a new office building to house commodity commissions and other related agricultural groups.

BE IT FURTHER RESOLVED that this resolution constitutes authorization required by the provisions of Section 67-6410, Idaho Code.

Adopted by the Senate February 18, 2021

Adopted by the House April 12, 2021

(S.C.R. No. 111)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING THE RECESS OF THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH IDAHO LEGISLATURE MAY 6 THROUGH MAY 11, RECONVENING ON MAY 12, AND PROVIDING THAT NO UNVOUCHERED OR VOUCHERED EXPENSE ALLOWANCE SHALL BE PAYABLE TO ANY MEMBER OF THE LEGISLATURE FOR THE TIME PERIOD DURING SUCH TEMPORARY RECESS WITHOUT THE APPROVAL OF THE PRESIDENT PRO TEMPORE OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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

WHEREAS, the First Regular Session of the Sixty-sixth Idaho Legislature convened on January 11, 2021, and continues in session as of the date of introduction of this concurrent resolution; and

WHEREAS, the members of the First Regular Session of the Sixty-sixth Idaho Legislature desire to recess May 6 through May 11, reconvening on May 12; and

WHEREAS, the approved motion by the Citizens' Committee on Legislative Compensation determined that, if the Legislature, by passage of a concurrent resolution, adjourns to a day certain for more than three days, no unvouchered or vouchered expense allowance shall be payable to any member of the Legislature for the time period during such temporary recess without the approval of the President Pro Tempore of the Senate or the Speaker of the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the First Regular Session of the Sixty-sixth Idaho Legislature shall recess May 6 through May 11, reconvening on May 12.

BE IT FURTHER RESOLVED that no unvouchered or vouchered expense allowance shall be payable to any member of the Legislature for the time period during such temporary recess without the approval of the President Pro Tempore of the Senate or the Speaker of the House of Representatives.

Adopted by the Senate May 5, 2021

Adopted by the House May 5, 2021

(S.C.R. No. 112)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING THAT NO UNVOUCHERED OR VOUCHERED EXPENSE ALLOWANCE SHALL BE PAYABLE TO ANY MEMBER OF THE LEGISLATURE FOR ANY TIME PERIOD DURING A TEMPORARY ADJOURNMENT FOLLOWING THE PASSAGE OF THREE DAYS FROM THE DATE OF ADOPTION OF THIS CONCURRENT RESOLUTION WITHOUT THE APPROVAL OF THE PRESIDENT PRO TEMPORE OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, RESPECTIVELY.

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

WHEREAS, the First Regular Session of the Sixty-sixth Idaho Legislature convened on January 11, 2021, and continues in session as of the date of introduction of this concurrent resolution; and

WHEREAS, the approved motion by the Citizens' Committee on Legislative Compensation determined that, if the Legislature, by passage of a concurrent resolution, adjourns for more than three days, no unvouchered or vouchered expense allowance shall be payable to any member of the Legislature for the time period during such temporary adjournment without the approval of the President Pro Tempore of the Senate or the Speaker of the House of Representatives, respectively.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that no unvouchered or vouchered expense allowance shall be payable to any member of the Legislature for any time period during a temporary adjournment following the passage of three days from the date of adoption of this concurrent resolution without the approval of the President Pro Tempore of the Senate or the Speaker of the House of Representatives, respectively.

Adopted by the Senate May 12, 2021

Adopted by the House May 12, 2021

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 3)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE HISTORICAL IMPORTANCE OF THE COMMISSIONING OF THE 5TH UNITED STATES NAVY SHIP TO BE NAMED AFTER THE STATE OF IDAHO, THE USS IDAHO SSN-799.

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

WHEREAS, a new Virginia Class nuclear attack submarine (SSN-799) named USS IDAHO is under construction for the United States Navy in Groton, Connecticut; and

WHEREAS, the USS IDAHO SSN-799, with its world class leading-edge stealth and other technology, will be a key component of the United States Naval Fleet, capable of a wide array of missions, with an expected commissioning date in 2022; and

WHEREAS, the USS IDAHO SSN-799 will represent the State of Idaho and the innovation of our citizens with our state motto on the ship's crest: Esto Perpetua (may she endure forever); and

WHEREAS, the USS IDAHO SSN-799 ship's moniker will be "The Gem of the Fleet" to further increase the knowledge bond between the ship's crew and the State of Idaho in representing our rich gemstone and mineral history, with Idaho being called the Gem State; and

WHEREAS, it has been more than 100 years since a ship of the line will have been named after the great State of Idaho; and

WHEREAS, this warship will continue to build upon the proud legacy of the previous four naval ships named USS IDAHO: Steam Sloop 1866-1873, Battleship BB24 1908-1914, Motorboat SP545 1917-1918, and Battleship BB42 1919-1946; and

WHEREAS, the USS IDAHO Commissioning Foundation will work to increase the knowledge of Idaho citizens and the crew of the USS IDAHO SSN-799 about Idaho's amazing naval history, from the second largest of seven naval boot camps during World War II to the first nuclear submarine prototype ever built at Arco Proving Grounds, as well as the United States submarine force's most important body of water -- Lake Pend Oreille; and

WHEREAS, all Idahoans and all Americans will be proud of the future role in protecting our nation provided by the USS IDAHO SSN-799 and her crew members.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature recognizes the profound historical significance of the naming of the USS IDAHO SSN-799 and that we wish protection for all those who will sail the USS IDAHO SSN-799 and for fair winds and following seas during her service to our nation. Godspeed.

Adopted by the House February 2, 2021

Adopted by the Senate February 23, 2021

(H.C.R. No. 6)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE DEPARTMENT OF INSURANCE CONSULT WITH INSURANCE INDUSTRY LEADERS TO DETERMINE HOW TO MAKE MEDICALLY NECESSARY PRESCRIPTION FORMULA AVAILABLE TO INFANTS AND CHILDREN IN IDAHO.

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

WHEREAS, sufficient nutrition is critical to child health and development; and

WHEREAS, many infants and children, due to health conditions, are unable to ingest, digest, absorb, or metabolize ordinary food or certain nutrients and therefore rely on medically necessary prescription formula to meet their dietary needs; and

WHEREAS, such health conditions include eosinophilic esophagitis, Crohn's disease, malnutrition or failure to thrive, seizure disorders requiring a ketogenic diet, and conditions that require tube feeding; and

WHEREAS, medically necessary prescription formula can cost in excess of \$2,000 per month, which is prohibitively expensive for some families; and

WHEREAS, Idaho infants and children in need of medically necessary prescription formula and their families would benefit by having this essential health intervention covered by insurance.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature requests that the Department of Insurance consult with leaders in the insurance industry to determine how to make medically necessary prescription formula available to Idaho infants and children suffering from eosinophilic esophagitis, Crohn's disease, malnutrition or failure to thrive, seizure disorders requiring a ketogenic diet, conditions requiring tube feeding, and other conditions in which medically necessary prescription formula is a recommended treatment.

BE IT FURTHER RESOLVED that the Legislature requests that the Department of Insurance collect data and ascertain the costs for including coverage of medically necessary prescription formula in private insurance plans and, further, that the department determine any impact on the Idaho General Fund for the addition of this benefit.

BE IT FURTHER RESOLVED that the Department of Insurance and leaders in the insurance industry report their findings and recommendations, if any, to the Second Regular Session of the Sixty-sixth Idaho Legislature.

Adopted by the House February 18, 2021

Adopted by the Senate February 26, 2021

(H.C.R. No. 7)

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-fifth Idaho Legislature adopted House Concurrent Resolution No. 12, 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, 2020, 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-sixth 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-sixth Idaho Legislature and shall make a report detailing its findings, recommendations, and proposed legislation, if any, to the First Regular Session of the Sixty-seventh Idaho Legislature.

Adopted by the House February 18, 2021

Adopted by the Senate March 9, 2021

(H.C.R. No. 8)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE COMMITTEE ON FEDERALISM TO STUDY THE IMPACT OF THE FAILURE OF THE UNITED STATES GOVERNMENT TO MAKE PAYMENTS IN LIEU OF TAXES THAT ARE EQUIVALENT TO THE PROPERTY TAX REVENUE THAT THE STATE OF IDAHO WOULD OTHERWISE GENERATE FROM LANDS UNDER FEDERAL OWNERSHIP OR CONTROL WITHIN IDAHO AND DIRECTING THE COMMITTEE TO PILOT TECHNOLOGIES PROVIDING AN OBJECTIVE STANDARD TO EVALUATE AND APPRAISE FEDERAL LANDS IN REAL TIME TO DETERMINE THE FAIR TAXABLE VALUE OF SUCH FEDERAL LANDS.

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

WHEREAS, the right and authority of state and local governments to promote the highest value and use of land is fundamental to funding education and other essential government services; and

WHEREAS, the federal government still controls 63.2% of all land in the State of Idaho, which is not subject to state or local taxes; and

WHEREAS, under the Federal Land Policy and Management Act (FLPMA) of 1976, federal land policy changed from one of disposal, where it would enter the state tax rolls, to permanent federal retention as untaxable public land; and

WHEREAS, this policy change deprives Idaho of the right and ability to tax 63.2% of all land within our state; and

WHEREAS, recognizing the substantial burden this policy change imposed on the ability of state and local governments to fund education and other essential government services, Congress established the Payment in Lieu of Taxes (PILT) program to compensate for the tax revenue denied; and

WHEREAS, the definition of "in lieu" means a substitute of equal value and importance, something that is just as good as what was given up; and

WHEREAS, by any objective measure, federal PILT payments to Idaho are not "just as good as" the tax revenue the local governments and school districts would otherwise generate but for federal control of Idaho lands; and

WHEREAS, in actuality, PILT amounts are little more than pennies in lieu of taxes; and

WHEREAS, without regard to the long-standing debate over whether the federal government should ever relinquish control of Idaho lands, as long as the federal government does withhold lands from being subject to tax, the federal government should pay the full amount in lieu of tax revenue denied our taxing entities; and

WHEREAS, for more than 10 years, Congress has been inconsistent in the amount and timeliness of PILT payments to Idaho counties, placing essential government services in jeopardy.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Committee on Federalism, created pursuant to Section 67-9301, Idaho Code, shall study the impact of the failure of the United States government to make payments in lieu of taxes that are equivalent to the property tax revenue that the State of Idaho would otherwise generate from lands under federal ownership or control within Idaho. The committee shall pilot technologies providing an objective standard to evaluate and appraise federal lands in real time to determine the fair taxable value of such federal lands.

Adopted by the House March 3, 2021

Adopted by the Senate April 7, 2021

(H.C.R. No. 10)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE CENTENNIAL OF THE
IDAHO STATE CAPITOL'S DEDICATION.

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

WHEREAS, on March 4, 1863, President Abraham Lincoln signed Public Law 37-96, creating the Idaho Territory; and

WHEREAS, on March 4, 2013, Idaho celebrated its Territorial Sesquicentennial; and

WHEREAS, the following year, in recognition of the importance of March 4 in Idaho history, and as an outgrowth of the sesquicentennial celebrations, the Legislature enacted House Bill 378, establishing March 4 as Idaho Day; and

WHEREAS, the purpose of Idaho Day is to honor Idaho's rich heritage with appropriate ceremonies; and

WHEREAS, in that heritage, there is no greater treasure than the Idaho State Capitol, dedicated to the people of Idaho on January 3, 1921; and

WHEREAS, the Capitol was constructed in two phases between 1905 and 1920, designed by architects John E. Tourtellotte and Charles F. Hummel to symbolize the principles and ideals of republican government, with Mr. Tourtellotte describing his vision for the building and the people it served as follows: "If the people are well balanced in their ideals and understand that a commonwealth, like the individual, to be worthwhile and endure, must have a soul; that the great white light of conscience must be allowed to shine and by its interior illumination make clear the path of duty and in the clarity of that vision that they must act and go forward with courage, to perfect the outward form by the developing and conserving of her resources; encouraging legitimate enterprise and industry, and by embracing and perfecting all that tends to the upbuilding of the moral, intellectual and physical needs of the people; if the people of Idaho hold these ideals and are striving to make them real, then this Capitol truly represents the Commonwealth of Idaho"; and

WHEREAS, from 2007 to 2010, the Capitol was restored and expanded in an extensive renovation and preservation project, with the building rededicated on January 9, 2010; and

WHEREAS, for the past 100 years, the Capitol has served as the People's House, providing a home for discussion, cooperation, collaboration, and the conduct of the people's business; and

WHEREAS, the year 2021 marks the centennial of the Capitol's first dedication; and

WHEREAS, it is the will of the Legislature that on Idaho Day 2021, the legacy of our state's signature monument and place of public business, the Capitol, be recognized, honored, commemorated, and celebrated.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that on Idaho Day 2021, the Legislature shall honor and recognize the centennial of the Idaho State Capitol's dedication with appropriate ceremonies.

BE IT FURTHER RESOLVED that the Legislature, in such ceremonies, shall solemnly reflect on its own role in the Capitol's history and in conducting the people's business.

BE IT FURTHER RESOLVED that the Legislature requests that on Idaho Day 2021, the people of Idaho celebrate the Capitol and its legacy.

Adopted by the House March 4, 2021

Adopted by the Senate March 12, 2021

(H.C.R. No. 11)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING 988 AS THE UNIVERSAL MENTAL HEALTH AND SUICIDE PREVENTION CRISIS PHONE NUMBER.

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

WHEREAS, on October 17, 2020, President Trump signed into law the National Suicide Hotline Designation Act of 2020; and

WHEREAS, the act designated 988 as the universal telephone number for the national suicide prevention and mental health crisis hotline system currently operating through the National Suicide Prevention Lifeline and the Veterans Crisis Line; and

WHEREAS, the Idaho Suicide Prevention Hotline is part of the existing network of the National Suicide Prevention Lifeline and currently receives calls from individuals dialing (800) 273-TALK; and

WHEREAS, as of 2019, Idaho's suicide rate is 41% higher than the national rate; and

WHEREAS, to prevent suicide, it is critical to transition the existing ten-digit National Suicide Prevention Lifeline number, (800) 273-TALK, to a universal, three-digit phone number and to connect people with life-saving resources; and

WHEREAS, the Idaho Suicide Prevention Hotline will experience an increased call volume when 988 goes live in July 2022 and becomes the equivalent of 911 for suicide and mental health crises; and

WHEREAS, Idaho has a shortage of mental health providers and primary care providers, making access to a 24/7 mental health and suicide prevention hotline vitally important; and

WHEREAS, suicide prevention and mental health support delivered by a crisis hotline helps Idahoans de-escalate and stay safe, thereby avoiding unnecessary and costly trips to hospital emergency departments and decreasing dispatch of police, emergency medical services, or fire department services; and

WHEREAS, 988 will improve access to mental health support for all Idahoans, especially those in rural communities with few health care providers; and

WHEREAS, promotion of 988 will help raise awareness of mental health and suicide prevention and decrease stigma associated with asking for help.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature recognizes 988 as the universal mental health and suicide prevention crisis phone number, effective July 2022.

Adopted by the House March 8, 2021

Adopted by the Senate April 7, 2021

(H.C.R. No. 13)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING CONTINUED RECOGNITION OF MARCH 14 AS IDAHO WOMEN'S DAY, ACKNOWLEDGING THE INFLUENCE, IMPACT, AND IMPORTANCE OF WOMEN IN IDAHO'S PAST, PRESENT, AND FUTURE, AND FURTHER ENCOURAGING CELEBRATION OF THE DAY THROUGH THE IDAHO STATE MUSEUM'S SPECIAL EXHIBITION "TRAILBLAZING WOMEN OF IDAHO."

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

WHEREAS, the members of the Second Regular Session of the Sixty-fifth Idaho Legislature adopted Senate Concurrent Resolution No. 118, establishing March 14 in perpetuity as Idaho Women's Day, to acknowledge the influence, impact, and importance of women in Idaho's past, present, and future; and

WHEREAS, in adopting the resolution, the Legislature recognized Ms. Emma Edwards Green's rendering of the Idaho State Seal, the only state seal ever designed by a woman, depicting a woman and a man as equal representatives of Idaho's unlimited potential, the imagery suggesting that women represent the ideals of justice and liberty and that they maintain equity in the state's bounties; and

WHEREAS, in adopting the resolution, the Legislature also recognized that August 18, 2020, would mark the centennial passage of the Nineteenth Amendment, which granted women the right to vote throughout the United States of America and determined that the centennial of the Nineteenth Amendment was a proper time to honor and recognize women leaders of Idaho's past and present who, through their skill, conviction, empathy, and determination, have had significant positive impacts on Idahoans, personally and professionally, and that it was in the State of Idaho's interest to foster women leaders of the future and advance their leadership in business and politics; and

WHEREAS, On March 13, 2021, the Idaho State Museum will open a special exhibition "Trailblazing Women of Idaho" in conjunction with the celebration of Idaho Women's Day. The exhibition will run through November 30 and celebrate those trailblazing, barrier-breaking women who have defined Idaho history, impacting political, cultural, economic, academic, social, and civic fields. From Sacajawea to Kristin Armstrong, Idaho women have forged, and continue to forge, new paths, and this exhibition explores the unique stories and characteristics of women who had a lasting impact on Idaho's history.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we encourage continued recognition of March 14 as Idaho Women's Day to acknowledge the influence, impact, and importance of women in Idaho's past, present, and future and further to encourage celebration of the day through the Idaho State Museum's special exhibition "Trailblazing Women of Idaho."

Adopted by the House March 12, 2021

Adopted by the Senate April 8, 2021

(H.C.R. No. 15)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT AN INTERIM COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF PROPERTY TAXES AND PROPERTY TAX REVENUE EXPENDITURES.

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

WHEREAS, rising property taxes are a major concern to residential property owners; and

WHEREAS, the Idaho Legislature has had many measures introduced over the years regarding the property tax in an effort to provide relief to property taxpayers; and

WHEREAS, the property tax structure is complex and requires study and evaluation by the Idaho Legislature; and

WHEREAS, it is also reasonable to review expenditures of property tax revenue in order to consider property tax relief for the citizens of the state; and

WHEREAS, in order to provide property tax relief, it may be appropriate to find alternative funding sources for the systems dependent on property tax revenues; and

WHEREAS, it is the goal of the Legislature to provide reasonable property tax relief to the citizens of the state, while still encouraging economic development and providing necessary funding for local units of government to operate and serve Idaho citizens; and

WHEREAS, the Legislative Interim Study Committee on Property Taxes and Revenue Expenditures met five times in 2020 and prepared draft legislation for consideration by the 2021 Legislature, but more time and attention is needed to address property tax problems in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the property tax system in Idaho, including expenditures of property tax revenues. The principal goal of the committee shall be to make recommendations that provide Idahoans with property tax relief, encourage economic development, and meet the needs of local units of government. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice, and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the study committee shall not be reimbursed from legislative funds for per diem, mileage, or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations, and proposed legislation, if any, to the Second Regular Session of the Sixty-sixth Idaho Legislature.

Adopted by the House March 17, 2021

Adopted by the Senate April 9, 2021

(H.C.R. No. 17)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, RECOGNIZING, HONORING, AND COMMENDING ERIC MILSTEAD FOR HIS YEARS OF SERVICE TO THE IDAHO LEGISLATURE, FOR HIS POSITIVE CONTRIBUTIONS TO THE IDAHO LEGISLATURE, THE NONPARTISAN LEGISLATIVE SERVICES OFFICE, AND THE PEOPLE OF THE STATE OF IDAHO, AND WISHING HIM WELL IN HIS RETIREMENT.

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

WHEREAS, Eric Milstead has served as the Director of the Legislative Services Office since October 1, 2014; and

WHEREAS, Eric Milstead obtained a bachelor's degree in history from Oklahoma State University and a law degree from the University of Kansas. After practicing law and clerking for a court of appeals in Kansas, he worked as a fiscal analyst for the Kansas Legislature for four years; and

WHEREAS, in February 1998, Eric accepted a position as a performance evaluator with the Idaho Office of Performance Evaluations. As team lead, he received an Impact Award from the National Legislative Program Evaluation Society for a performance evaluation published in 2001; and

WHEREAS, in October 2001, he joined the Budget and Policy Division of the Legislative Services Office as a budget and policy analyst, responsible for working on the budgets of the Transportation Department, Public Utilities Commission, Department of Labor, Industrial Commission, Human Rights Commission, State Lottery, Division of Building Safety, Board of Examiners, and more. Eric was heavily involved with the Capitol Restoration Task Force and also assisted with the Capitol Advisory Committee on Space Allocation and Design and the Advisory Committee on Relocation in 2005 and 2006; and

WHEREAS, in May 2007, Eric became a research analyst with the Research and Legislation Division of the Legislative Services Office, where he researched, reviewed administrative agency rules, and drafted legislation in the areas of transportation, education, taxation, and building services, to name but a few. Eric also staffed legislative interim study committees such as the K-12 Educational System Interim Committee, Health Care Task Force, Mental Health Subcommittee, Health Insurance Issues Related to Public Schools Subcommittee, Property Tax Interim Committee, Tax Exemptions Interim Committee, ATV Task Force, and Right-of-Way Task Force; and

WHEREAS, Eric attended the Legislative Staff Management Institute in August 2012 and was promoted to Deputy Division Manager of the Research and Legislation Division in April 2013; and

WHEREAS, Eric was appointed by a unanimous vote of the Legislative Council to be the Director of the Legislative Services Office in October 2014 and was the first Idaho Legislative Services Office Director to have such a breadth of background to inform his work because of his service in multiple legislative divisions and offices; and

WHEREAS, the Idaho Legislature has greatly benefited from Eric Milstead's keen mind, his analytical and organizational skills, the rock-solid work ethic he exemplifies to all his employees, and his dignity, grace, and calm demeanor even in stressful situations; and

WHEREAS, over the course of his career and as Director of LSO, Eric Milstead has demonstrated his devotion to the institution of Idaho's nonpartisan Legislative Services Office and the value it provides to the Idaho Legislature and all its members; and

WHEREAS, Eric's devotion to the Idaho Legislature and to the well-being of Legislative Services Office employees is such that he deferred his retirement plans in 2020 when the COVID-19 pandemic threw everything into upheaval; and

WHEREAS, Eric will be taking his well-deserved retirement in July 2021.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize, honor, and commend Eric Milstead for his positive contributions and his years of service to the Idaho Legislature, to the nonpartisan Legislative Services Office, and to the people of the State of Idaho and wish him well in his retirement.

Adopted by the House April 9, 2021

Adopted by the Senate April 26, 2021

(H.C.R. No. 19)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND CREATING A LEGISLATIVE COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE EXPENDITURE OF CERTAIN AMERICAN RESCUE PLAN ACT OF 2021 FUNDS.

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

WHEREAS, the federal American Rescue Plan Act of 2021 (ARPA), P.L. 117-2, was passed by Congress and signed into law by President Joseph Biden on March 11, 2021; and

WHEREAS, ARPA includes more than \$2.5 billion of funding for Idaho through grants to state agencies or pass-through to units of local government that would require legislative appropriations for expenditure; and

WHEREAS, this funding is included in numerous federal programs that will require in-depth review and analysis and careful consideration prior to funding decisions.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that a committee is hereby created to undertake and complete a study of the expenditure of ARPA funds. The Senate membership of the committee shall be composed of the Senate President Pro Tempore, the Senate majority leader, the Senate minority leader, the chairman of the Senate Finance Committee, and two additional senators to be appointed by the Senate President Pro Tempore. The House of Representatives membership of the committee shall be composed of the Speaker of the House of Representatives, the House majority leader, the House minority leader, the chairman of the House Appropriations Committee, and two additional members of the House of Representatives to be appointed by the Speaker of the House. The committee shall study and make recommendations to the Second Regular Session of the Sixty-sixth Idaho Legislature regarding the expenditure of federal funds received under ARPA for any purpose other than water infrastructure, broadband infrastructure, and sewer infrastructure.

BE IT FURTHER RESOLVED that the committee is authorized 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 Second Regular Session of the Sixty-sixth Idaho Legislature.

Adopted by the House April 9, 2021

Adopted by the Senate May 5, 2021

(H.C.R. No. 21)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE IDAHO WATER RESOURCE BOARD TO CONTINUE TO WORK EXPEDITIOUSLY WITH LOCAL WATER USERS TO COMPLETE A COMPREHENSIVE SETTLEMENT THAT RESOLVES CURRENT TENSIONS AND CONFLICTS OVER THE USE OF LEMHI BASIN HIGH FLOWS THAT, TO THE BEST OF THE ABILITIES OF THE PARTICIPATING PARTIES AND IN THE SPIRIT OF COMPROMISE AND RESOLUTION, IS CONSISTENT WITH PAST PRACTICES, FUTURE NEEDS, AND IDAHO LAW.

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

WHEREAS, the Idaho State Legislature adopted Senate Concurrent Resolution 137 in 2020 during the Second Regular Session of the Sixty-fifth Legislature, directing the Idaho Water Resource Board, with technical support from the Idaho Department of Water Resources, to work expeditiously with local water users to develop a comprehensive settlement that resolves current tensions and conflicts that are the result of competing water supply demands in the Lemhi River Basin and that the comprehensive settlement, to the best of the abilities of the participating parties and in the spirit of compromise and resolution, is consistent with past practices, future needs, and Idaho law; and

WHEREAS, Senate Concurrent Resolution 137 further directed the Idaho Water Resource Board to report to the First Regular Session of the Sixty-sixth Idaho Legislature on implementation of the resolution; and

WHEREAS, the Idaho Water Resource Board, with technical support from the Idaho Department of Water Resources, retained two mediators to facilitate discussions with local water users, state agencies, state legislators, and other affected parties; and

WHEREAS, the mediators have conducted nine meetings and engaged in extensive shuttle diplomacy with the participating parties since June 2020; and

WHEREAS, significant progress has been made in the Lemhi River Basin settlement discussions, including the development of a framework for resolving the current tensions over the use of Lemhi high flows consistent with past practices, future needs, and Idaho law, and in the resolution of one major contested case in the basin, consistent with the framework; and

WHEREAS, the participating parties are supportive of continuing the current effort to develop a comprehensive settlement, consistent with the existing framework and the direction provided by Senate Concurrent Resolution 137.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we direct the Idaho Water Resource Board, with technical support from the Idaho Department of Water Resources, to continue to work expeditiously with local water users to complete a comprehensive settlement that resolves current tensions and conflicts over the use of Lemhi Basin high flows that, to the best of the abilities of the participating parties and in the spirit of compromise and resolution, is consistent with past practices, future needs, and Idaho law.

BE IT FURTHER RESOLVED that the Idaho Water Resource Board report to the Second Regular Session of the Sixty-sixth Idaho Legislature on the implementation of this resolution, including any comprehensive settlement reached by the participating parties and any proposed legislation that is needed to implement any such settlement.

Adopted by the House April 20, 2021

Adopted by the Senate April 26, 2021

CONSTITUTIONAL AMENDMENT

**Submitted for Vote at General Election
November 3, 2020**

HOUSE JOINT RESOLUTION

(H.J.R. No. 4)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE MEMBERSHIP OF THE SENATE AND HOUSE OF REPRESENTATIVES, TO PROVIDE THAT THE SENATE SHALL CONSIST OF THIRTY-FIVE MEMBERS; PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE APPORTIONMENT OF THE LEGISLATURE, TO PROVIDE THAT THE MEMBERS OF THE LEGISLATURE SHALL BE APPORTIONED TO THIRTY-FIVE LEGISLATIVE DISTRICTS; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 2, Article III, of the Constitution of the State of Idaho be amended to read as follows:

Section 2. MEMBERSHIP OF HOUSE AND SENATE. (1) Following the decennial census of ~~1990~~ 2020 and in each legislature thereafter, the senate shall consist of ~~not less than thirty nor more than thirty-five~~ members. The legislature may fix the number of members of the house of representatives at not more than two times as many representatives as there are senators. The senators and representatives shall be chosen by the electors of the respective counties or districts into which the state may, from time to time, be divided by law.

(2) Whenever there is reason to reapportion the legislature or to provide for new congressional district boundaries in the state, or both, because of a new federal census or because of a decision of a court of competent jurisdiction, a commission for reapportionment shall be formed on order of the secretary of state. The commission shall be composed of six members. The leaders of the two largest political parties of each house of the legislature shall each designate one member and the state chairmen of the two largest political parties, determined by the vote cast for governor in the last gubernatorial election, shall each designate one member. In the event any appointing authority does not select the members within fifteen calendar days following the secretary of state's order to form the commission, such members shall be appointed by the Supreme Court. No member of the commission may be an elected or appointed official in the state of Idaho at the time of designation or selection.

(3) The legislature shall enact laws providing for the implementation of the provisions of this section, including terms of commission members, the method of filling vacancies on the commission, additional qualifications for commissioners and additional standards to govern the commission. The legislature shall appropriate funds to enable the commission to carry out its duties.

(4) Within ninety days after the commission has been organized or the necessary census data are available, whichever is later, the commission shall file a proposed plan for apportioning the senate and house of representatives of the legislature with the office of the secretary of state. At the same time, and with the same effect, the commission shall prepare and file a plan for congressional districts. Any final action of the commission on a proposed plan shall be approved by a vote of two-thirds of the members of the commission. All deliberations of the commission shall be open to the public.

(5) The legislative districts created by the commission shall be in effect for all elections held after the plan is filed and until a new plan is required and filed, unless amended by court order. The Supreme Court shall have original jurisdiction over actions involving challenges to legislative apportionment.

(6) A member of the commission shall be precluded from serving in either house of the legislature for five years following such member's service on the commission.

SECTION 2. That Section 4, Article III, of the Constitution of the State of Idaho be amended to read as follows:

Section 4. APPORTIONMENT OF LEGISLATURE. The members of the legislature following the decennial census of 1990 2020 and each legislature thereafter shall be apportioned to ~~not less than thirty nor more than~~ thirty-five legislative districts of the state ~~as may be provided by law~~.

SECTION 3. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 2, Article III, of the Constitution of the State of Idaho be amended to require that the Senate shall consist of thirty-five members; and shall Section 4, Article III, of the Constitution of the State of Idaho, be amended to require that the Legislature shall be apportioned to thirty-five legislative districts?"

SECTION 4. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 5. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Approved at General Election, November 3, 2020.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2020-08-AESTABLISHING IDAHO REBOUND CASH GRANTS FOR SMALL BUSINESSES

WHEREAS, I issued a proclamation on March 13, 2020, declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19); and

WHEREAS, I issued a proclamation on March 25, 2020, declaring a state of extreme emergency in the State of Idaho pursuant to Chapter 6, Title 46, Idaho Code, due to the increasing occurrence and threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, each of those Proclamations remain in effect today; and

WHEREAS, Congress has passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) which provided the State of Idaho \$1.25 billion through the Coronavirus Relief Fund for qualifying expenses; and

WHEREAS, on April 30, 2020, the Board of Examiners approved, pursuant to Idaho Code § 67-3516(2), non-cognizable spending authority for the Governor's Office in fund 0345 for the \$1.25 billion for the time period of March 1, 2020 through December 30, 2020; and

WHEREAS, on April 22, 2020, the U.S. Treasury issued guidance for state, territorial, local, and tribal governments on the proper uses of the Coronavirus Relief Fund; and

WHEREAS, the U.S. Treasury stated that the funds may be used for expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures; and

WHEREAS, the U.S. Treasury guidance outlined a non-exclusive list of eligible expenditures, including expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures; and

WHEREAS, in Executive Order 2020-07, I established the COVID-19 Financial Advisory Committee (CFAC) to make recommendations to me for prioritizing the use of Coronavirus Relief Funds; and

WHEREAS, CFAC convened on May 1, 2020, and determined that, in its judgment, the expenditure of Coronavirus Relief Funds on small business interruption grants is necessary to respond to the COVID-19 pandemic and made unanimous recommendations to me on the expenditure of \$300 million with eligibility criteria targeted to the U.S. Treasury guidance; and

WHEREAS, on May 4, 2020, I provided a letter to CFAC, agreeing with and approving its proposed funding allocations, including a proposal for \$300 million for small business interruption grants, because providing support to these businesses is necessary for the protection of life and property in Idaho and crucial to Idaho's recovery from the COVID-19 pandemic;

WHEREAS, on May 5, 2020, I issued Executive Order No. 2020-08 creating the Idaho Rebound cash grant and setting certain eligibility criteria for Idaho small business;

WHEREAS, on May 6, 2020, I sent a letter to CFAC directing that the Idaho Rebound grant not be available to private entities that directly lobby federal or state officials or to entities that exist for the purpose of advancing partisan political activities. I did so to ensure Coronavirus Relief Funds are used for the purposes intended--to help Idaho small businesses whose operations were interrupted by the COVID-19 pandemic--and to avoid the appearance of impropriety; and

WHEREAS, these Idaho Rebound grants will also now be available to certain self-employed Idaho residents because providing support to these Idahoans is also necessary for the protection of life and property in Idaho and crucial to Idaho's recovery from the COVID-19 pandemic.

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, including but not limited to Idaho Code §§ 46-601 and 67-3516(2), do hereby order:

1. The continuation and expansion of the Idaho Rebound cash grant to Idaho-domiciled small businesses and self-employed Idaho residents, with \$300 million set aside from the Coronavirus Relief Fund. Idaho Rebound grants shall reimburse the costs of business interruption caused by COVID-19--related required closures.
2. Grants of up to \$10,000 shall be made available to small businesses with an Employer Identification Number (EIN) who meet the following eligibility criteria:
 - a. Has an active Idaho State Tax Commission withholding account established prior to January 1, 2020, and that is not for the purpose of paying household employees or as a home healthcare recipient;
 - b. Had between one and 50 employees as of February 15, 2020;
 - c. Has suffered a qualified business interruption including but not limited to reduced sales or suspended operations, increased costs related to COVID-19 prevention measures, or disrupted supply network leading to shortage of critical inventory or materials;
 - d. Did not receive an SBA-backed Paycheck Protection Program (PPP) loan or an Economic Injury Disaster Loan Emergency Advance, or received less than \$10,000 in such funds;
 - e. Did not receive and have not been awarded reimbursement under any other federal program for the expenses that will be reimbursed by this grant;
 - f. Did not receive compensation from an insurance company for the covered business interruption due to the COVID-19 pandemic or received less than \$10,000 in insurance compensation;
 - g. Is not a subsidiary of a business with more than 50 employees, is not part of a larger business enterprise with more than 50 employees and is not owned by a business with more than 50 employees;
 - h. Is not an entity that directly lobbies federal or state officials, defined as having a registered lobbyist at any point during 2020, and is not an entity that exists for the purpose of advancing partisan political activities; and
 - i. Meets other criteria as deemed necessary by CFAC or the Idaho State Tax Commission.
3. Idaho Rebound grants of up to \$7,500 shall be made available to Idaho-domiciled self-employed Idaho residents that meet the following eligibility criteria:
 - a. Is self-employed by an Idaho-based business;
 - b. Has filed a 2019 resident income tax return in Idaho;
 - c. Has suffered a qualified business interruption including but not limited to reduced sales or suspended operations, increased costs related to COVID-19 prevention measures, or disrupted supply network leading to shortage of critical inventory or materials;

- d. Has not received Pandemic Unemployment Assistance (PUA) from the Idaho Department of Labor and agrees not to apply for PUA during 2020;
 - e. Has not received and has not been awarded reimbursement under any other federal program for the expenses that will be reimbursed by this grant;
 - f. Did not receive compensation from an insurance company for the covered business interruption due to COVID-19 or received less than \$7,500 in insurance compensation;
 - g. The business does not directly lobby federal or state officials, defined as having a registered lobbyist at any point during 2020, and is not an entity that exists for the purpose of advancing partisan political activities; and
 - h. Meets other criteria as deemed necessary by CFAC or the Idaho State Tax Commission.
4. The Idaho State Tax Commission shall administer the Idaho Rebound grant program. Applications shall be staggered so that grant resources are targeted to the smallest Idaho businesses. In the instance in which more applications are received than resources are available, the Tax Commission shall use a lottery system to select award recipients.
5. All grant recipients shall be reported on the Transparent Idaho website, including the business name, the Idaho industry sector, the primary city location, and its total grant award.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 26th day of May in the year of our Lord two thousand and twenty.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-09ESTABLISHING A PROGRAM TO PROCURE AND DISTRIBUTE
PERSONAL PROTECTIVE EQUIPMENT TO IDAHO BUSINESSES AND NONPROFITS

WHEREAS, I issued a proclamation on March 13, 2020, declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19); and

WHEREAS, I issued a proclamation on March 25, 2020, declaring a state of extreme emergency in the State of Idaho pursuant to Chapter 6, Title 46, Idaho Code, due to the increasing occurrence and threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, each of those Proclamations remain in effect today; and

WHEREAS, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 113-136) which provided the State of Idaho \$1.25 billion through the Coronavirus Relief Fund for qualifying expenses; and

WHEREAS, on April 30, 2020, the Board of Examiners approved, pursuant to Idaho Code 67-3516(2), non-cognizable spending authority for the Governor's Office in fund 0345 for the \$1.25 billion for the time period of March 1, 2020 through December 30, 2020; and

WHEREAS, the U.S. Treasury stated that the funds may be used for expenditures incurred to respond to public health needs as well as to respond to second-order effects of the emergency, such as providing economic support to those suffering from employment or business interruptions due to COVID-19 related business closures; and

WHEREAS, the availability to Idaho businesses and non-profit organizations of non-medical personal protective supplies such as masks, gloves and sanitizer are necessary for protecting public, employee, and customer health and safety and instilling consumer confidence; and

WHEREAS, the supply line for non-medical protective supplies has been severely disrupted by the COVID-19 pandemic, making procurement for small business and nonprofit entities either difficult or impossible due to lack of supply or onerous cost or minimum order requirements; and

WHEREAS, the Military Division is authorized to distribute supplies, equipment and materials assembled or arranged to be made available relating to the disaster emergency pursuant to Idaho Code section 46-1008(3) and the Idaho Emergency Operations Plan; and

WHEREAS, the Idaho Emergency Operations Plan designates the Idaho Department of Health and Welfare as the coordinating agency for public health and medical services, and the Director of the Department of Health and Welfare is authorized to assist with the abatement of public health problems and to acquire and dispose of equipment beneficial to such authority pursuant to Idaho Code title 56 chapter 10; and

WHEREAS, the Idaho Emergency Operations Plan designates the Department of Administration as a supporting agency for resources and logistics support, including the effort and activity necessary to evaluate, locate, procure, and provide essential material resources; and

WHEREAS, the Governor is authorized to utilize all resources of the state, including, but not limited to, those sums in the disaster emergency account as he shall deem necessary to pay obligations and expenses incurred during a declared state of disaster emergency pursuant to Idaho Code Section 46-1008(5) (b); and

WHEREAS, the Governor is authorized to transfer the functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services pursuant to Idaho Code section 46-1008(5) (c); and

WHEREAS, the State of Idaho through the Department of Administration is able to consolidate purchasing in bulk for distribution throughout the state, providing critical economic support to Idaho small businesses and non-profits; and

WHEREAS, making non-medical protective supplies available to Idaho small businesses and organizations as an interim solution until the supply lines normalize is necessary to protect public, employee, and customer health and safety and instilling consumer confidence; and

WHEREAS, on May 4, 2020, I provided a letter to the COVID-19 Financial Advisory Committee (CFAC), agreeing with and approving its proposed funding allocations, including a proposal allocating \$2 million for non-medical personal protective supplies for small businesses to be distributed by the Department of Administration which is necessary to assist in Idaho's recovery from the COVID-19 pandemic.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of this State Idaho Code, including Idaho Code section 46-1008, and pursuant to the Idaho Emergency Operations Plan do hereby order:

1. The Department of Administration is hereby directed to procure and distribute non-medical personal protective supplies (NPPS), including but not limited to masks, gloves and sanitizer, to businesses and nonprofit entities operating in Idaho.
2. The Department of Administration shall establish an application process and eligibility criteria. A decision of the Director of the Department of Administration concerning an applicant's eligibility shall be final and binding.
3. Upon determination that an applicant is eligible (an "Eligible Recipient") and subject to NPPS availability, the Department of Administration may provide a thirty (30) day supply of NPPS to the Eligible Recipient. The Department of Administration is authorized to use funds from the Coronavirus Relief Fund and allocated by the COVID-19 Financial Advisory Committee (CFAC) for the acquisition of NPPS, and is authorized to charge the Eligible Recipient all or a portion of the cost to obtain and ship the NPPS to the Eligible Recipient. The Department of Administration may also reduce or waive the cost where the Eligible Recipient certifies that they cannot afford to pay for the NPPS and operate their business or organization.
4. The Department of Administration may, subject to availability, provide NPPS to Eligible Recipients following the first thirty (30) days of participation. The Department of Administration may give priority to those applying for the first time.
5. The NPPS is exclusively for use in the Eligible Recipient's business operation or delivery of services and shall not be offered for resale or distribution.
6. The Department of Administration shall establish a procedure for allocation to maximize statewide distribution and to distribute NPPS in the instance that more applications for NPPS are received than is available.
7. The Department of Administration shall account for expenditures using the reporting dashboard through Transparent Idaho established by CFAC pursuant to Executive Order No. 2020-07.

8. The eligibility criteria shall include:
 - a. The applicant is a business or non-profit with physical operations in Idaho;
 - b. The applicant has up to 50 employees or volunteers in Idaho, as of February 15, 2020;
 - c. The applicant certifies that they have been unable to obtain reasonable amounts of NPPS at a reasonable cost and needs the NPPS to resume or continue its operations in Idaho; and
 - d. The applicant certifies the reasonably expected NPPS needs for the business operation or delivery of services by the applicant over the thirty (30) day period.
 - e. The applicant certifies that the NPPS requested is solely for the operation of the applicant 's business or non-profit organization and will not be offered for resale or distribution.
 - f. Other criteria determined by the Director of the Department of Administration in the best interests of the State of Idaho.
9. This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Idaho, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



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 May in the year of our Lord two thousand and twenty.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-10

ENHANCING LICENSING FREEDOM: ORGANIZATION OF THE
DEPARTMENT OF SELF-GOVERNING AGENCIES

WHEREAS, I issued Executive Order 2017-06, the Licensing Freedom Act (LFA), on May 19, 2017, to spur the first comprehensive review of occupational licensure in more than 40 years; and

WHEREAS, the LFA report found at least 442 different occupational license types in Idaho, with at least 204,000 licensees, administered by 13 executive branch agencies and 47 boards and commissions; and

WHEREAS, occupational licensing is not centralized under any one agency, but the majority of license types are organized under 11 separate agencies within the Department of Self-Governing Agencies; and

WHEREAS, the LFA report highlighted the need to improve oversight of occupational licensure, following on the heels of the Federal Trade Commission's guidance on active state supervision of regulatory boards controlled by market participants; and

WHEREAS, the LFA report also identified opportunities to enhance consistency across occupational licensure by standardizing disciplinary processes, licensure efforts for veterans and military spouses, and honoraria, among others; and

WHEREAS, the 2019 Novel Coronavirus (COVID-19) pandemic has further highlighted the necessity to streamline occupational licensing. To date, the State has waived more than 150 regulations to respond to COVID-19, primarily focused on licensure regulations to expand access to care, enhance mobility of licenses, and streamline renewal requirements; and

WHEREAS, the Idaho Legislature passed House Bill 318 on March 11, 2020, which provided authority to the Governor, under title 67, chapter 26, to assign certain self-governing agencies to divisions, sections, or units to provide an orderly arrangement in the administrative organization of state government; and

WHEREAS, pursuant to 67-2601(3), Idaho Code, the Division of Occupational and Professional Licenses (formerly the Bureau of Occupational Licenses) exists within the Department of Self-Governing Agencies.

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, including but not limited to 67-2601(4), Idaho Code, do hereby order that:

1. The following entities, as set forth in 67-2601(2), are assigned to the Division of Occupational and Professional Licenses, in addition to those assigned to it by statute:
 - a. Board of accountancy;
 - b. Board of dentistry;
 - c. Board of licensure of professional engineers and professional land surveyors;
 - d. Board of medicine;
 - e. Board of nursing;
 - f. Outfitters and guides licensing board;
 - g. Board of pharmacy;
 - h. Real estate commission;
 - i. Board of veterinary medicine;
 - j. Division of building safety and its constituent boards:
 - a. Building code board;
 - b. Electrical board;
 - c. Public works contractors license board;
 - d. Plumbing board;
 - e. Public works construction management;
 - f. Heating, ventilation and air conditioning board; and
 - g. Factory built structures advisory board.
2. The Division of Occupational and Professional Licenses shall be organized into the following three categories each led by a section chief appointed by the Division Administrator:
 - a. Building, Construction, and Real Estate;
 - b. Occupational Licenses; and
 - c. Health Professions.

3. The Division Administrator, appointed by the Governor pursuant to 67-2603, Idaho Code, shall oversee the activities of the boards assigned to the Division of Occupational and Professional Licenses and shall, among other duties, be the individual responsible for submission of administrative rules request forms, budget documents, and strategic plans to the Division of Financial Management.
4. The Division Administrator shall establish a plan to coordinate the move of boards assigned to the Division of Occupational and Professional Licenses to a central office location so that Idahoans may access a one-stop shop for state licenses.
5. The Division Administrator shall establish a plan to seek efficiencies from the combined organization including, but not limited to, the consolidation of information technology systems across boards where practicable.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 3rd day of June in the year of our Lord two thousand and twenty.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-11

RELATED TO THE IDAHO DEPARTMENT OF LABOR

WHEREAS, I issued a proclamation on June 11, 2020, declaring a state of disaster in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, that proclamation remains in effect today; and

WHEREAS, I issued a proclamation on March 13, 2020, declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19); and

WHEREAS, I issued a proclamation on March 25, 2020, declaring a state of extreme emergency in the State of Idaho pursuant to Chapter 6, Title 46, Idaho Code, due to the increasing occurrence and threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, each of those proclamations have since been superseded by my June 11, 2020 proclamation; and

WHEREAS, Section 46-1008(5)(a), Idaho Code, states that the Governor may suspend the provisions of any regulations that would in any way prevent, hinder, or delay necessary action in coping with the disaster; and

WHEREAS, I directed all state agencies to review their regulations to identify opportunities to assist in the COVID-19 response while maintaining public safety; and

WHEREAS, the Idaho Department of Labor has identified regulations to suspend in order to more quickly, efficiently, and safely respond to the declared emergency; and

WHEREAS, the Idaho Department of Labor finds that the emergency conditions present in Idaho continue to restrict the ability of Idahoans to apply for, travel to, and interview with prospective employers. Due to the emergency, including the emergency conditions and extreme emergency conditions addressed in my March 13, March 25, and June 11, 2020 orders, and its necessary responses, the regular requirements of unemployment insurance must be altered to accommodate individuals that may not have been able, available, and actively seeking work because of COVID-19 and those emergency conditions and/or those orders.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of this State, including Section 46-1008, Idaho Code, do hereby find and therefore proclaim, declare and order:

01. The Executive Order I issued on March 27, 2020, E0-2020-04, is hereby superseded and replaced as follows:
 - a. Notwithstanding any provision to the contrary in the Employment Security Law, or regulations of the Idaho Department of Labor, it is hereby ordered and directed that the following regulations be suspended as follows:
 - i. Provisions of the Employment Security Law, Sections 72-1301 et seq., Idaho Code, that would require denial of unemployment benefits, or findings of willful misrepresentation on the sole basis that the claimant entered an incorrect reason for separation when applying for benefits, are waived or suspended in situations where the separation occurred because of the direction of a medical professional, local health authority, employer, or state or local government, that the claimant be isolated or quarantined as a consequence of COVID-19, even if not actually diagnosed with COVID-19.
 - ii. Claimants who are temporarily unemployed for reasons related to COVID-19, and who have a reasonable assurance from their employer that continuing employment exists shall be considered job-attached, and as having met the available for suitable work, and seeking work personal eligibility conditions of Section 72-1366(4) (a) (i), Idaho Code, and any provisions to the contrary in the Employment Security Law shall be suspended in these situations.
 - iii. During this state of emergency, including extensions, or until December 31, 2020, whichever date first occurs, the one-week waiting period in the Employment Security Law shall be suspended for claimants making application for unemployment benefits on or after March 8, 2020, who otherwise meet the personal eligibility requirements of the Employment Security Law, and whose separation from employment occurs during the state of emergency declared pursuant to an emergency proclamation.

- iv. Claimants who become unemployed because of their quarantine or isolation related to COVID-19 at the direction of their medical professional, local health authority, employer, or state or local government, during such period of quarantine or isolation, shall be considered unemployed through no fault of their own.
 - v. During this state of emergency, including extensions, any benefit paid on unemployment claims described in Paragraphs 01(a)(ii)-(iv) above shall not be charged to the experience rating account of the employer who otherwise would have been charged.
 - vi. To effectuate the purposes of this Order, the Idaho Department of Labor shall interpret flexibly, and may suspend where appropriate to the fullest extent allowed by federal law, nonjurisdictional procedural requirements of the Employment Security Law and provisions of its rules not expressly included in the Employment Security Law.
 - vii. In addition, the requirements set forth in Section 72-1368, Idaho Code, may be suspended and the Idaho Department of Labor, and the Idaho Industrial Commission, will have the discretion, for good cause shown, to extend by a period not to exceed fourteen (14) days the time for filing appeals. Good cause under this provision and the Employment Security Law shall be interpreted flexibly to effectuate the purposes of this Order.
 - viii. This Order and the authority granted hereby shall not be construed to allow a claimant to refuse:
 - 1. to return to work if requested by the employer and suitable work can be performed in compliance with the emergency declarations and directives; or
 - 2. to accept suitable work if the claimant applies and is offered work that can be performed in compliance with the emergency declarations and directives.
02. Notwithstanding any provision to the contrary of the Employment Security Law, Sections 72-1301 et seq., Idaho Code, and related Department of Labor regulations, it is hereby ordered:
- a. The Department of Labor shall have authority, to the fullest extent allowed by federal law, to interpret flexibly, and to suspend, as appropriate, the able to work, available for suitable work, and seeking work personal eligibility conditions of Section 72-1366(4)(a), (b), (6), and (7), Idaho Code, and as necessary to enact temporary rules to effect any such waiver.
 - b. By this Order, the able to work, available for suitable work, and seeking work personal eligibility conditions of Section 72-1366(4)(a), and (b), (6), and (7), Idaho Code, are suspended for claims for benefit weeks occurring on or after March 13, 2020, through Stage 4 declared by my Stay Healthy Order effective June 13, 2020, but shall only apply to such claims that as of the date of this Executive Order have not become final pursuant to section 72-1368, Idaho Code.

03. Pursuant to Section 72-1368(4)(b), Idaho Code, the Director of the Department of Labor shall have the discretion to suspend any regulation that may not allow a claimant to reapply for benefits whose claims were denied because of Section 72-1366(4)(a), (b), (6), or (7), Idaho Code, and have become final pursuant to Section 72-1368, Idaho Code, after March 13, 2020, but prior to the date of this Executive Order. The suspension effected by Section 02(b) of this Executive Order shall apply to any such reapplication approved by the Director.
04. These suspensions are not blanket waivers of these requirements, but suspensions to provide Unemployment Compensation to those individuals who were laid off because of COVID-19 with the intent to return to their employer; individuals who were quarantined due to my March 25, 2020, order with the intent to return to their employer; individuals who were quarantined by a medical provider or my March 25, 2020, order due to a reasonable risk of exposure or infection; or individuals who were caring for a family member due to a reasonable risk of exposure or infection.
05. The action taken in this proclamation is necessary for the protection of life and property of Idaho citizens, and the authority granted hereby to the Department of Labor shall continue so long as the disaster described above remains in place.
06. The Department of Labor is directed to enact temporary rules, where appropriate, to suspend the allocation of charges to employers' accounts for individuals who are paid benefits for reasons related to COVID-19 to the fullest extent allowed by federal law.
07. This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Idaho, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 11th day of June in the year of our Lord two thousand and twenty.

BY THE GOVERNOR:

/s/ Lawrence Denney
SECRETARY OF STATE

/s/ Brad Little
GOVERNOR OF THE STATE OF IDAHO

EXECUTIVE ORDER NO. 2020-12RELATED TO RETURN TO WORK BONUSES

WHEREAS, the health and safety of all Idahoans is the greatest priority of our state and its leaders; and

WHEREAS, Idaho is committed to being prepared and protecting Idahoans from the 2019 novel coronavirus (COVID-19); and

WHEREAS, the Centers for Disease Control and Prevention has labeled COVID-19 a pandemic that poses a serious public health threat, and the Secretary of Health and Human Services has declared a public health emergency for the entire United States to aid the nation in responding to COVID-19; and

WHEREAS, on March 13, 2020, when the first case of COVID-19 was confirmed in Idaho, I issued a proclamation declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, on March 13, 2020, President Trump declared a national emergency due to the outbreak of COVID-19 in the United States, and on April 9, 2020, President Trump declared a major disaster in the State of Idaho, allowing for additional federal assistance to aid in recovery efforts related to COVID-19; and

WHEREAS, on March 27, 2020, Congress passed and President Trump signed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136, which provided the State of Idaho with \$1.25 billion through the Coronavirus Relief Fund for qualifying expenses; and

WHEREAS, on April 30, 2020, the Board of Examiners approved, pursuant to Section 67-3516(2), non-cognizable spending authority for the Governor's Office in fund 0345 for the \$1.25 billion in funds provided to Idaho by the CARES Act for the time period of March 1, 2020 through December 30, 2020; and

WHEREAS, on June 11, 2020, I declared an emergency pursuant to Section 46-1008, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, the COVID-19 pandemic has resulted in a significant slowdown in the American and Idaho economies and has caused a significant increase in unemployment in Idaho; and

WHEREAS, Congress has authorized significant increases in the amount of unemployment benefits available to those who are currently out of work. Those enhanced federal unemployment benefits add up to an additional \$600 per week; and

WHEREAS, recent studies have found that as many as two-thirds of those receiving enhanced unemployment benefits are making more than they did prior to the COVID-19 pandemic; and

WHEREAS, these enhanced federal unemployment benefits are due to expire on July 31, 2020, emphasizing the need to help unemployed Idahoans return to work before then; and

WHEREAS, it is crucial to Idaho's response to and recovery from the impacts of the COVID-19 pandemic that Idahoans return to work as soon as possible and that Idaho employers have the workforce needed to rebound from the economic downturn caused by the COVID-19 pandemic; and

WHEREAS, Idaho employers report trouble getting employees to return to work for various reasons; and

WHEREAS, meaningful work not only provides financial support to Idahoans and Idaho family, it provides useful on-the-job training and experience, and strengthens one's spirit, self-worth, and contribution to this great state's success; and

WHEREAS, the measure of a welfare program's success should always be based on how many people leave the welfare program, not by how many are added; and

WHEREAS, the Workforce Development Council serves as the state's coordinating body on matters related to workforce development policy and programs and its structure, duties and functions of the council are prescribed by the Governor, pursuant to Section 72-1201, Idaho Code; and

WHEREAS, Executive Order 2019-08 sets up the structure of the Workforce Development Council and assigns it various duties; and

WHEREAS, the Idaho State Tax Commission has the resources and expertise to administer a grant program; and

WHEREAS, the Governor may suspend the provisions of any regulations that would in any way prevent, hinder, or delay necessary action in coping with the emergency, pursuant to Section 46-1008(5) (a), Idaho Code; and

WHEREAS, the Governor is authorized to utilize all resources of the state, including, but not limited to, those sums in the disaster emergency account as he shall deem necessary to pay obligations and expenses incurred during a declared state of disaster emergency, pursuant to Section 46-1008(5) (b), Idaho Code; and

WHEREAS, the Governor is authorized to transfer the functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services, pursuant to Section 46-1008(5) (c), Idaho Code; and

WHEREAS, the Coronavirus Financial Advisory Committee (CFAC) convened on June 17, 2020, and determined that, in its judgment, expenditures for the Return-to-Work bonus program met the U.S. Treasury guidance for state, territorial, and tribal governments on the proper uses of the Coronavirus Relief Fund and found this use to be necessary to provide economic support to aid in Idaho's recovery from the COVID-19 pandemic; and

WHEREAS, I agree with the conclusions of CFAC and find that the Idaho Return-to-Work bonus program is necessary to Idaho's response to and recovery from the COVID-19 pandemic.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and by Section 46-1008 of the Idaho Code do hereby order:

1. The creation of the Idaho Return-to-Work bonus program using up to \$100 million from the Coronavirus Relief Fund. The total amount for this program will be drawn from the remainder of the \$300 million set aside from the Coronavirus Relief Fund for the Idaho Rebound Bonus Program.
2. Idaho Return-to-Work bonuses of up to \$1,500 shall be made available to Idaho workers who return to work on or before July 1, 2020.
3. The Return-to-Work bonus program is part of the functions of the Idaho Workforce Development Council, which has reviewed and finalized the program and set the criteria for eligibility for the bonuses at its June 11, 2020 public meeting, including:
 - a. The worker has filed for unemployment benefits during the coronavirus pandemics, starting on or after March 1, 2020;
 - b. The worker has started work for a non-governmental employer no later than July 1, 2020;
 - c. The worker makes \$75,000 or less annually;
 - d. The worker meets the part-time (20 hours) or full-time (30 hours) hour thresholds in the four weeks immediately following the return to work;

- e. The position for which the worker returned to work is intended to be an ongoing position beyond the four-week time period; and
 - f. The worker has not previously received a return to work bonus.
4. Additional eligibility criteria may be established by the Workforce Development Council, Coronavirus Financial Advisory Committee, and the Tax Commission as may be necessary to appropriately implement this program.
 5. The Idaho State Tax Commission shall administer the Idaho Return-to-Work bonus program and distribute the funds in account 0345, pursuant to Sections 46-1008(5), 72-1201, and 67-3516(2), Idaho Code.
 - a. The Idaho State Tax Commission will process the applications from employers, ensure compliance with the criteria, and will distribute payments to the worker;
 - b. All employer applicants shall establish a secure Taxpayer Access Point (TAP) account to protect their personal and business information on submitted applications;
 - c. Employers must input information on the employees for whom they are seeking a return to work bonus in order to utilize the existing relationship between the employer and the Tax Commission; and
 - d. In the instance in which more applications are received than resources are available, the Tax Commission shall award the bonuses based the date the worker returned to work with those returning the earliest given priority.
 6. The name and city or county of residence of each bonus recipient shall be reported on the Transparent Idaho website.
 7. That this proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Idaho, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 17th day of June in the year of our Lord two thousand and twenty.

BY THE GOVERNOR:

/s/ Lawrence Denney
SECRETARY OF STATE

/s/ Brad Little
GOVERNOR OF THE STATE OF IDAHO

EXECUTIVE ORDER NO. 2020-13REGULATORY RELIEF TO SUPPORT ECONOMIC RECOVERY

WHEREAS, Idaho has made significant advancements in eliminating costly, ineffective, and outdated regulations through the Red Tape Reduction Act and Zero-Based Regulation executive orders. Through these efforts, Idaho has become the least regulated state in the United States; and

WHEREAS, in response to the 2019 novel coronavirus (COVID-19) pandemic, I directed all state agencies to review their regulations to identify opportunities to assist in the COVID-19 response while maintaining public safety, pursuant to Section 46-1008(5)(a), Idaho Code; and

WHEREAS, Idaho's state agencies rose to this challenge, waiving more than 150 regulations in order to move more quickly, efficiently, and safely respond to the declared emergency. These rules focused on reducing barriers to economic recovery, waiving licensing provisions, increasing telehealth access, and augmenting healthcare capacity; and

WHEREAS, if waiving these regulations was deemed necessary to improve public health and welfare during the declared emergency, there is a rebuttable presumption that the regulations are unnecessary or counterproductive outside of the declared emergency.

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, do hereby order that:

1. This executive order applies to the following regulations:
 - a. All regulations listed as temporarily suspended in the Appendix to Proclamation Signed by Governor Little on June 11, 2020; and
 - b. All additional regulations waived, suspended, or otherwise altered by state agencies using the existing authority listed within their current administrative rules from March 1, 2020, through June 11, 2020.
 - c. This executive order does not apply to regulations that were waived to facilitate a onetime delay to a deadline that occurred during the declared emergency, such as temporary delay to a license renewal deadline, or those that have an adverse fiscal impact on the state's General Fund.
2. Each state agency responsible for such regulations shall:
 - a. If a statute, submit a legislative idea through the Executive Agency Legislation System (EALS) process to the Division of Financial Management (DFM) no later than July 10, 2020.
 - b. If an administrative rule, submit a notice of intent to promulgate rules through the Administrative Rules Review Form (ARRF) to DFM no later than July 24, 2020 for publication in the September 2020 edition of the Idaho Administrative Bulletin.
3. Regulations submitted for publication under this executive order are exempt from the rules moratorium under Executive Order 2020-01, Zero-Based Regulation, as long as the final product is limited to removing the regulation originally waived during COVID-19.

4. If a state agency determines that the regulation is required by law to remain in place or that permanently suspending the regulation would be deleterious to public health or safety, the agency head shall submit a signed letter to the administrator of DFM no later than July 24, 2020 outlining the law that compels the specific regulation, or the substantiated consumer health and safety issues that arose from suspending the rule during the declared emergency, and any other information that justifies the continuation of the original regulation. For boards and commissions under the Division of Occupational and Professional Licensing, the letter shall be submitted by the section chief.
5. Each state agency should take the steps necessary to finalize their applicable executive agency legislation and administrative rules for presentation to the Idaho legislature in 2021.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 22nd day of June in the year of our Lord two thousand and twenty.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-14TEMPORARY REDUCTION OF GENERAL FUND SPENDING AUTHORITY

WHEREAS, Article 7, Section 11 of the Idaho Constitution provides that except in extraordinary circumstances, expenditures of state government shall not exceed state government revenue; and

WHEREAS, I have determined that expenditures from the General Fund authorized by the Legislature for Fiscal Year 2021 will likely exceed anticipated state revenue to meet those authorized expenditures for the current fiscal year due to the ongoing 2019 Novel Coronavirus (COVID-19) pandemic.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, and pursuant to Section 67-3512A, Idaho Code, do hereby order that:

1. The General Fund spending authority on file with the Office of the State Controller be reduced for all departments, offices and institutions of the state by five percent of their Fiscal Year 2021 General Fund Appropriation. This is necessary to ensure state expenditures do not exceed revenues.
2. Each department, office and institution shall notify the Office of the State Controller and the Division of Financial Management of their budget changes by July 15, 2020.
3. Elected state Constitutional officials are requested to assess and evaluate a reduction in General Fund expenditures for Fiscal Year 2021 to reflect the realities of the projected revenue shortfall without impairing the discharge of their constitutional duties.
4. Officers of the legislative and judicial branches are requested to assess and evaluate a reduction in General Fund expenditures for Fiscal Year 2021 to reflect the realities of the projected revenue shortfall without impairing the discharge of their constitutional duties.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 1st day of July in the year of our Lord two thousand and twenty.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-15DIRECTING IDAHO STATE TAX COMMISSION TO ADMINISTER
THE BUDGET AND LEVY COMPONENTS OF THE GOVERNOR'S
PUBLIC SAFETY GRANT INITIATIVE FOR CITIES AND COUNTIES

WHEREAS, Congress has passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), which provided the State of Idaho \$1.25 billion through the Coronavirus Relief Fund for qualifying expenses; and

WHEREAS, on April 30, 2020, the Board of Examiners approved, pursuant to Idaho Code § 67-3516(2), non-cognizable spending authority for the Governor's Office in fund 0345 for the \$1.25 billion for the time period of March 1, 2020, through December 30, 2020; and

WHEREAS, on June 30, 2020, the United States Department of Treasury ("U.S. Treasury") issued guidance for state, territorial, local, and tribal governments on the proper uses of the Coronavirus Relief Fund; and

WHEREAS, the U.S. Treasury guidance ("U.S. Treasury guidance") outlines a non-exclusive list of eligible expenditures, including expenditures for payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency; and

WHEREAS, the U.S. Treasury guidance states that as a matter of administrative convenience, the entire public health and public safety payroll costs may be presumed to be substantially dedicated to mitigating or responding to the COVID-19 public health emergency; and

WHEREAS, the U.S. Treasury Secretary and senior staff of the U.S. Treasury are quoted in various outlets stating that this presumption of substantial dedication to COVID-19 efforts exists regardless of whether or not the payroll costs were accounted for in the budget most recently approved as of March 27, 2020; and

WHEREAS, the U.S. Treasury states that the funds may be transferred from the state to units of local government with the addition of certain restrictions to satisfy the requirements of the CARES Act and guidance; and

WHEREAS, the U.S. Treasury notes that for payments to be deemed necessary, they must be reasonably necessary for their intended use in the reasonable judgment of the government officials responsible for spending Fund payments;

WHEREAS, in Executive Order 2020-07, I established the Coronavirus Financial Advisory Committee (CFAC) to make recommendations to me for prioritizing the use of Coronavirus Relief Funds; and

WHEREAS, CFAC is comprised of a broad group of stakeholders, including legislators, representatives of local and tribal governments, and representatives from the Idaho Association of Cities and Association of Idaho Counties; and

WHEREAS, on May 4, 2020, I approved a recommendation from CFAC to allocate \$94 million to local and tribal governments to cover their direct COVID-19 expenses, making Idaho one of the first states to provide local governments access to the fund, eliciting praise from the Trump Administration; and

WHEREAS, local governments have expressed that this initial \$94 million allocation is sufficient for and, in many cases in excess of, their direct COVID-19 costs and relatively little expenses have been incurred to date; and

WHEREAS, on May 28, 2020, CFAC sent a letter to U.S. Treasury staff outlining the potential use of the Fund for a Public Safety Grant Initiative (the Initiative) with restrictions to ensure compliance with U.S. Treasury guidance; and

WHEREAS, CFAC convened on June 11, 2020, and determined that, in its judgment, the expenditure of Coronavirus Relief Funds on local public safety payroll expenses was necessary to respond to COVID-19 and made unanimous recommendations to me on the expenditure of up to \$200 million with eligibility criteria targeted to the U.S. Treasury guidance; and

WHEREAS, CFAC voted unanimously to allow local governments to voluntarily apply for a grant to receive this additional allocation of funds, which is on top of the original \$94 million allocated to local governments; and

WHEREAS, CFAC established parameters for voluntary participation, aimed at advancing compliance with critical areas of U.S. Treasury guidance, namely (1) ensuring the receipt of this voluntary allocation does not constitute revenue replacement, which is not a permissible direct use of fund payments; and (2) ensuring that the allocation does not create a windfall that is used for non-COVID-19 related purposes; and

WHEREAS, CFAC further saw that these voluntary restrictions could advance other areas of U.S. Treasury guidance, namely the allowance to provide economic support to those suffering from the widespread COVID-19 related closures and expenses; and

WHEREAS, on June 11, 2020, I accepted the recommendation of CFAC and announced the program known as the Public Safety Grant Initiative that will provide funding for public safety payroll expenses to city and county governments that agree to participate in the Initiative and provide the resulting savings as property tax relief to the taxpayers of the participating units of local government by foregoing the taxes that would otherwise traditionally have been collected; and

WHEREAS, on July 6, 2020, CFAC sent an updated letter to U.S. Treasury reoutlining the proposed Public Safety Initiative in the context of U.S. Treasury guidance; and

WHEREAS, on July 16, 2020, I met with senior U.S. Treasury and White House staff in Washington, D.C., to discuss the Initiative and received positive reinforcement that the proposed plan aligns with U.S. Treasury guidance; and

WHEREAS, 54 cities and 28 counties submitted Letters of Intent to participate in this voluntary grant program; and

WHEREAS, the Initiative would provide a grant to these local governments in an amount that would cover approximately 42-percent of their public safety budget, allowing the funds to be targeted to those frontline public safety and public health officials who are substantially dedicated to COVID-19 mitigation and response, minimizing the potential for layoffs or furloughs; and

WHEREAS, local governments have the ability to finalize their participation in this voluntary grant program by discussing it in open, public meetings where public testimony on the merits may be taken; and

WHEREAS, I have agreed with the CFAC unanimous recommendation that this expenditure is necessary for its intended use; and

WHEREAS, on August 6, 2020, I issued Executive Order No. 2020-15 to implement the Initiative and am now issuing this amended Executive Order to further define the Initiative and ensure its compliance with the CARES Act; and

WHEREAS, on September 2, 2020, U.S. Treasury issued updated guidance, noting that public health and safety payroll costs are both substantially dedicated to COVID-19, and are thus for a substantially different use than accounted for in the most recent budget. Further, Treasury defined a non-exclusive list of positions that meet this presumption; and

WHEREAS, Treasury articulated its intent that the presumption is to help minimize layoffs or furloughs in the face of budget pressure. This aligns with the primary goal of the Initiative given the budget uncertainty many Idaho local governments face. Stable coverage of a large portion of public health and safety payroll costs will help all areas of Idaho to be prepared to respond to and mitigate the COVID-19 pandemic and avoid layoffs and furloughs while not increasing the burden on local taxpayers during uncertain times.

NOW, THEREFORE, I Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order:

1. The Idaho State Tax Commission shall ensure that the budget and levy effects of the Initiative remain neutral those cities and counties that choose to participate. To accomplish this, the Idaho State Tax Commission shall not consider any subtraction from a participating entity's 2020 operating budget due to participation in this program when determining 2021 budget limitations according to Idaho Code § 63-802.
2. Urban renewal agencies that would otherwise lose funds due to the lowered levy rates of participating cities and counties may be treated neutrally at the discretion of the participating local government. In such case, the participating local government may use tax dollars collected by the government to maintain neutrality, not CARES Act funds.
3. The Idaho State Tax Commission shall make such adjustments to the L-2 form as necessary to verify that participating cities and counties have met the requirements of the Initiative by certification.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 14th day of September in the year of our Lord two thousand and twenty.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-16

STRONG FAMILIES, STRONG STUDENTS GRANT INITIATIVE

WHEREAS, Idaho's families, students, and schools have been greatly affected by the 2019 Novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Idaho schools, educators, and administrators are working diligently to provide a free, thorough and uniform education to their students while also protecting their safety; and

WHEREAS, Idaho has remained committed to its students, educators, and administrators through its strong financial support to our schools during this time; and

WHEREAS, the COVID-19 pandemic has increased the demands and expenses of families and parents to ensure their children get the best education possible during these difficult and uncertain times; and

WHEREAS, the COVID-19 pandemic has reduced the availability of child-care and in-person learning for Idaho students and children, and has forced some parents to leave the workforce, change jobs, or reduce working hours in order to ensure their children receive the best possible education; and

WHEREAS, support for Idaho's students, families, and schools not only benefits Idaho's children, but continues to support Idaho businesses and our workforce; and

WHEREAS, Idaho continues to lead the nation in economic momentum due to its strong families and hardworking citizenry; and

WHEREAS, it is necessary and right to do all we can to support Idaho families and students in pursuing an education and good jobs during the COVID-19 pandemic; and

WHEREAS, in March, Congress passed and President Trump signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide fast and direct assistance to American workers and families impacted by the COVID-19 pandemic; and

WHEREAS, the CARES Act created the Coronavirus Relief Fund, which provides financial assistance to respond to and mitigate the COVID-19 pandemic; and

WHEREAS, on April 30, 2020, the Board of Examiners approved, pursuant to Section 67- 3516(2), non-cognizable spending authority for the Governor's Office in fund 0345 for the \$1.25 billion in funds provided to Idaho by the CARES Act for the time period of March 1, 2020 through December 30, 2020; and

WHEREAS, the United States Department of Treasury ("Treasury") has stated that it is appropriate to use the Coronavirus Relief Fund (CRF) for expenses incurred between March 1 and December 30, 2020, associated with the safe reopening of public schools, including for costs associated with providing distance learning or for in-person learning; and

WHEREAS, the Treasury has stated it is appropriate to use the CRF for second-order effects of the emergency, such as economic support to those suffering from employment interruptions due to COVID-19, and to provide assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency; and

WHEREAS, Idaho's Coronavirus Financial Advisory Committee (CFAC) convened on September 15, 2020, and determined that, in its judgment, expenditures for the Strong Families, Strong Students Grant Initiative met the requirements of the CARES Act and direction from the U.S. Department of Treasury on the proper uses of the CRF, and found this use to be necessary to provide support to aid Idaho families, parents, and students to respond to and mitigate the COVID-19 pandemic and to provide those families with economic support to aid in Idaho's recovery from the COVID-19 pandemic; and

WHEREAS, I agree with the conclusions of CFAC and find that the Strong Families, Strong Students Grant Initiative is necessary to Idaho's response to the COVID-19 pandemic and to provide Idaho families with economic support to aid in Idaho's recovery from the COVID-19 pandemic; and

WHEREAS, the Governor is authorized to utilize all resources of the state and to transfer the function of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services, pursuant to Section 46-1008(5) (b) and (c), Idaho Code; and

WHEREAS, the Idaho Constitution, Article IX, Section 1 requires the establishment and maintenance of "a general, uniform and thorough system of public, free common schools" in Idaho; and

WHEREAS, the Idaho Constitution, Article IX, Section 2 vests the "general supervision of the state educational institutions and the public school system of the state of Idaho" with the State Board of Education; and

WHEREAS, under Idaho Code, 33-101, the State Board of Education has general supervision, governance and control of the public school systems; and

WHEREAS, under Idaho Code, 33-107, the Board of Education has statutory authority to perform all duties prescribed for it by the school laws of the state, has the authority to acquire, hold, and dispose of interests in real and personal property, and the general supervision through its executive offices such as the Office of the State Board of Education and the Department of Education, of all entities of public education supported by state funds; and

WHEREAS, under Idaho Code, 33-110, the State Board of Education is designated as the state educational agency, which is authorized to negotiate and contract with the federal government, and to accept financial or other assistance from the federal government; and

WHEREAS, under Idaho Code section 33-125, the State Department of Education is established as an executive agency of the State Board of Education and the State Superintendent of Public Instruction, as the executive officer of the State Department of Education, has "the responsibility for carrying out policies, procedures and duties authorized by law or established by the state board of education for all elementary and secondary school matters."

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order that:

1. The Strong Families, Strong Students Grant Initiative is hereby created to assist families in paying eligible expenses to support their children's education and that were incurred on or after March 1, 2020.
2. The total amount allocated for the Strong Families, Strong Students Grant Initiative will be \$50 million from the Coronavirus Relief Fund. Eligible families may receive a grant of up to \$1,500 per student and a maximum of \$3,500 per family.
3. The State Board of Education is to administer the Strong Families, Strong Students Grant Initiative, and to set the eligibility criteria for the recipients and expenses.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 7th day of October in the year of our Lord two thousand and twenty.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-17CONTINUING THE OFFICE OF ENERGY AND MINERAL RESOURCES
WITHIN THE OFFICE OF THE GOVERNOR

WHEREAS, energy production, generation, transmission, and conservation are vital to Idaho; and

WHEREAS, mineral acquisition, production and exploration are key contributors to Idaho 's economy; and

WHEREAS, stable, reliable and cost-competitive long-term energy supplies are critical to the wellbeing and future of Idaho; and

WHEREAS, it is the responsibility of state government to coordinate energy and mineral planning and policy development for Idaho.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order:

1. The continuation of the Office of Energy and Mineral Resources within the Executive Office of the Governor; and
2. The term "energy" as used in this Executive Order shall include, but is not limited to, electricity, oil, natural gas, bioenergy, nuclear energy, renewable energy, and transportation fuels.
3. The term "mineral" as used in this Executive Order shall include, but is not limited to, naturally occurring, inorganic, metallic, non-metal or solid energy substances that are leasable, salable or locatable.
4. The Governor shall appoint an administrator ("Administrator") to lead the Office of Energy and Mineral Resources ("Office"). The Administrator shall serve at the pleasure of the Governor and shall be subject to confirmation by the Idaho Senate. The Administrator shall be the official in Idaho designated to oversee energy and mineral coordination, planning, and policy, and to fulfill the duties provided in this Executive Order.
5. Employees of the Office shall be non-classified for the purpose of Chapter 53, Title 67 of the Idaho Code.
6. The duties, powers and authorities of the Office of Energy and Mineral Resources shall include:
 - a. Serve as Idaho's clearinghouse and first point of contact for energy and mineral information, including addressing policy inquires and providing information regarding issues;
 - b. Coordinating the state's energy and mineral planning efforts;
 - c. Advising the Governor, the Legislature, and other public officials of the state's energy requirements, supply, transmission, management, conservation, and efficiency efforts;
 - d. Coordinating and cooperating with federal agencies, state agencies, and local governments on issues concerning the state's energy requirements, supply, transmission, management, conservation, and efficiency efforts;
 - e. Advising the Governor, the Legislature, and other public officials on mineral exploration, production, planning, and policy development;
 - f. Coordinating and cooperating with federal agencies, state agencies, and local governments on issues concerning the state's mineral supply and management;

- g. Serving as the state cooperating agency for energy and mineral projects subject to the National Environmental Policy Act;
 - h. Coordinating state comments on all documents and processes involving energy and mineral projects;
 - i. Coordinating, supporting, and overseeing the Idaho Strategic Energy Alliance;
 - j. Assisting state agencies, local governments, and stakeholders to secure funding where available for energy conservation projects and renewable energy resource opportunities;
 - k. Administering energy loan programs and other forms of financial assistance for eligible projects;
 - l. Entering into other agreements or contracts which are necessary to carry out the provisions of this Executive Order and other duties as may be directed by the Governor.
7. The Office may accept private contributions, state or federal funds, funds from other public agencies or any other sources. The money shall be expended solely for the purposes provided in the Executive Order and accounted for as provided by law.
 8. All orders, regulations, contracts, and licenses which are in effect at the time of this Executive Order is signed shall continue in effect according to their terms until modified or terminated.
 9. The duties, responsibilities and authority of this Executive Order shall not alter any existing responsibilities, jurisdiction or planning functions of State agencies established by State law. Nothing in this Executive Order shall be construed to provide or imply any regulatory authority by the office over activities that are subject to the jurisdiction of another State agency including the Idaho Public Utilities Commission, the Idaho Division of Building Safety, the Idaho Department of Lands, the Idaho Department of Environmental Quality, the Idaho Department of Water Resources, and the Idaho Department of Fish and Game.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 19th day of October in the year of our Lord two thousand and twenty.

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-18CONTINUING THE IDAHO STRATEGIC ENERGY ALLIANCE
REPEALING AND REPLACING EXECUTIVE ORDER 2017-03

WHEREAS, it is the policy of the State of Idaho to promote development of the states energy resources to increase energy supply in an economically efficient manner while maintaining the integrity of Idaho's natural resources; and

WHEREAS, the State of Idaho encourages public dialogue and educating citizens on the importance of the state's clean and diverse energy portfolio; and

WHEREAS, the presence of an affordable, reliable, and abundant energy supply is critical for our state and national economy; and

WHEREAS, developing Idaho's energy resources will benefit the state by creating diverse, sustainable forms of energy and new job opportunities for Idahoans; and

WHEREAS, the state's energy portfolio should emphasize the importance of an affordable, reliable, and secure energy supply, as well as diverse energy resources and production methods, while providing the highest value to the citizens of Idaho.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order:

1. The continuation of the Idaho Strategic Energy Alliance (Alliance) as an effort between the State of Idaho and stakeholders to facilitate the discussion of a sound energy portfolio for Idaho.
2. The responsibilities of the Alliance shall be to advise and provide information to elected officials, stakeholders, and the public through a Board of Directors. This information will:
 - a. Increase awareness and understanding of Idaho's diverse energy resources;
 - b. Increase awareness of cost-effective energy efficiency and conservation opportunities within Idaho;
 - c. Improve cooperation, collaboration, and communication among Idaho's public and private-sector entities in the areas of energy efficiency, conservation, and affordable and sustainable energy development; and
 - d. Provide a forum to showcase Idaho's new and innovative energy technologies.
3. Membership of the Board of Directors shall include, but not be limited to, stakeholder representatives and the following representatives of state entities or their designee:
 - a. Administrator of the Office of Energy and Mineral Resources;
 - b. President of the Public Utilities Commission; and
 - c. Administrator of the Division of Building Safety.
4. Members of the Board of Directors, including the Chairman and Vice Chairman, shall be designated by and serve at the pleasure of the Governor. Terms for Board members will be two years. The Board shall be governed by an Executive Committee consisting of the Chairman, Vice Chairman, and the Administrator of the Office of Energy and Mineral Resources.

5. The Idaho Strategic Energy Alliance shall be coordinated and supported by the Office of Energy and Mineral Resources.
6. When necessary, the Alliance's Board of Directors may engage representatives of the federal, state, or local governments, Idaho universities, private entities, and not-for-profit organizations who can provide the expertise and resources necessary to contribute to the success of the Alliance.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 19th day of October in the year of our Lord two thousand and twenty.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-19

ACTIVATION OF THE IDAHO NATIONAL GUARD TO PROVIDE SUPPORT IN
RESPONSE TO THE COVID-19 PANDEMIC

WHEREAS, the health and safety of all Idahoans is the greatest priority of our state and its leaders; and

WHEREAS, the Centers for Disease Control and Prevention has labeled the 2019 novel coronavirus (COVID-19) a pandemic that poses a serious public health threat; and

WHEREAS, as of November 12, 2020, there have been nearly 10.5 million confirmed cases of COVID-19 and approximately 242,000 deaths in the United States and 78,279 confirmed or probable cases of COVID-19 and 749 deaths in Idaho due to COVID-19; and

WHEREAS, in Idaho, cases of COVID-19 have been reported in all forty-four (44) counties and community spread of COVID-19 has been confirmed in forty-three (43) counties. One (1) Idaho county had the highest per-capita number of cases in the country at one point in time; and thirty-one (31) of Idaho counties have had an average percent positivity of greater than 10 percent, which is double the White House recommendation, in the last month; and

WHEREAS, rapid community spread has caused some local hospital to have to significantly reduce operations to protect its health care workers and caused patients to have to travel or be transported into other counties to be treated for COVID-19 or other illnesses and injuries. Idaho's rural communities are particularly at risk because of limited health care capacity and staff; and

WHEREAS, cases in Idaho have risen sharply in the past several weeks and are rising in most counties in the state. As a result, hospitals across the state of Idaho, including the Veterans Affairs Medical Center, are at or nearing capacity. Due to the increase in COVID-19 patients, hospitals have had to divert patients to other hospitals within the state and, in some instances, to neighboring states. Hospitals in surrounding states are also experiencing a surge of COVID-19 cases and may not be able to receive Idaho patients; and

WHEREAS, the recent surge of COVID-19 cases in Idaho has put a significant strain on health care workers, resulting in staffing shortages across the State. Shortages have resulted from staff members testing positive for the virus or coming into close contact with someone who has COVID-19. Without health care workers and support staff, hospitals are not able to utilize their capacity; and

WHEREAS, the Idaho Military Division is committed to maintaining domestic emergency response readiness in the Idaho National Guard; and guiding the state, through the Office of Emergency Management, in effectively preparing for, responding to and recovering from all hazards; and

WHEREAS, one of the Adjutant General's three strategic imperatives is to continue developing and strengthening our homeland security and emergency response readiness; and

WHEREAS, Idaho is committed to being prepared and protecting Idahoans from COVID-19. There continues to be a risk to life and the continued operation of public infrastructure as a result of cases of COVID-19 throughout the State of Idaho, and the activation of the Idaho National Guard will assist in our State's battle against this deadly virus.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order:

1. The activation of members of the Idaho National Guard pursuant to Idaho Code § 46-1008. One hundred (100) National Guardsmen are ordered on Active Duty for a period of thirty (30) days to provide additional support to the State of Idaho in its emergency response to the COVID-19 pandemic.
2. Funding for the activation of National Guardsmen pursuant to this Executive Order will be provided from the Disaster Emergency Account established in Idaho Code § 46-1005A.
3. The Adjutant General of Idaho is authorized to direct activated Idaho Guardsmen as necessary to assist in efforts to respond to and combat the COVID-19 pandemic in Idaho.
4. This Executive Order will expire in thirty (30) days unless extended, rescinded, or amended in writing by the Governor.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 13th day of November in the year of our Lord two thousand and twenty.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-20CONTINUING THE IDAHO CRIMINAL JUSTICE COMMISSION

WHEREAS, it is in the best interest of the citizens of the State of Idaho that government promote efficiency and effectiveness of the criminal justice system and, where possible, encourage dialogue among the respective branches of government to achieve this effectiveness and efficiency; and

WHEREAS, combating crime and protecting citizens from criminal depredations is of vital concern to government; and

WHEREAS, communication and cooperation among the various elements of the community of criminal justice professionals is of utmost importance in promoting efficiency and effectiveness; and

WHEREAS, providing policy makers and criminal justice decision makers with accurate information results in better decisions, improving public safety and resulting in more efficient use of public resources; and

WHEREAS, under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 and the Crime Control Act of 2005, each state is encouraged to develop and implement a competitive mechanism for awarding certain federal grant funds; and

WHEREAS, Idaho's current criminal justice efforts and initiatives require clear strategic planning and continued coordination; and

WHEREAS, since its creation in 2005, the Idaho Criminal Justice Commission has advised and made recommendations to Idaho Governors on criminal justice policy in a forum that brings stakeholders together to respectfully work together.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by the authority vested in me by the Constitution and the laws of the State of Idaho do hereby order that Executive Order 2018-03 is repealed and replaced by this order, and in so doing do also order that:

1. The Idaho Criminal Justice Commission ("Commission") is hereby established. The Commission shall consist of twenty-seven (27) members and the membership shall be as follows:
 - a. Ex Officio Members:
 - i. The Attorney General or designee;
 - ii. The Director of the Idaho Department of Correction;
 - iii. The Director of the Idaho State Police;
 - iv. The Director of the Idaho Department of Juvenile Corrections;
 - v. The Administrator of the Office of Drug Policy;
 - vi. The Executive Director of the Idaho Association of Counties;
 - vii. The Executive Director of the Idaho Commission of Pardons and Parole;
 - viii. The Director of the Idaho Department of Health and Welfare or designee;
 - ix. The Administrative Director of the State Courts;
 - x. The State Appellate Public Defender; and
 - xi. The United States Attorney for the District of Idaho or designee.

- b. Members Appointed by the Governor:
 - i. A representative from the Governor's Office;
 - ii. A representative from the Idaho Prosecuting Attorneys Association;
 - iii. A representative from the Idaho Sheriffs' Association;
 - iv. A representative from the Idaho Chiefs of Police Association;
 - v. A representative from the Idaho State Department of Education;
 - vi. Three (3) citizens at large, with special consideration given to individuals with experience or education related to the Mission of the Idaho Criminal Justice Commission, and/or those individuals representing tribal or other underrepresented communities in Idaho; and
 - vii. A representative serving on the Idaho Public Defense Commission or the Executive Director.
 - c. Members Appointed by Other Officials:
 - i. Two (2) members from the Idaho Senate appointed by the President Pro Tempore;
 - ii. Two (2) members from the Idaho House of Representatives appointed by the Speaker of the House; and
 - iii. Three (3) representatives from the Idaho judiciary appointed by the Chief Justice, with at least one (I) representative being a district judge and at least one (I) representative being a magistrate judge.
2. The Commission members representing the judiciary and the United States Attorney for the District of Idaho or designee will serve in a nonvoting, advisory capacity.
 3. Any designees authorized by this order must be from the same office or agency as the Commission member. Ex-officio members, unless expressly allowed by this order to select a designee from their office or agency, may not allow a designee to vote in their stead.
 4. All Commission members appointed by the Governor serve at the pleasure of the Governor and vacancies among Commission members with a term fixed by this order shall be filled in the same manner as the original appointment and for the duration of the unexpired term.
 5. The terms of all Commission members appointed by the Governor shall terminate on thirty-first day of January. The terms of all Commission members appointed by the Governor shall be for four (4) years, except the citizens at large, whose terms shall be for two (2) years.
 6. The Chair of the Commission shall be appointed by the Governor to serve at the pleasure of the Governor. A Vice-Chair shall be selected annually by the members of the Commission. The term of office of the Vice-Chair shall be one (1) year. The Chair may succeed himself as approved by the Governor and the Vice-Chair may succeed himself as approved by the Commission.
 7. The Commission shall receive administrative staff support from the State agencies represented on the Commission.
 8. The Commission will meet no less than four (4) times annually.

9. The Commission may appoint subcommittees consistent with the needs of the Commission to address pertinent issues that merit more in-depth consideration.
10. Commission members will serve without compensation or reimbursement for expenses, including related travel and per diem to attend Commission meetings.
11. The purpose of the Commission shall be to provide policy-level direction and to promote efficient and effective use of resources, based on a data-driven approach and evidenced-based practices, for matters related to the State's criminal justice system. To that end it shall:
 - a. Identify critical challenges facing the criminal justice system and recommend strategies to resolve them by;
 - b. Developing and adopting a three-year strategic plan to be reviewed annually;
 - c. Analyzing the long-range needs of the criminal justice system;
 - d. Assessing the cost-effectiveness, return on investment and performance measures of the use of State and local funds in the criminal justice system;
 - e. Reviewing data and reporting relating to Idaho's implementation of the Justice Reinvestment Act subsequent criminal justice reforms;
 - f. Advise and develop recommendations for the Governor and the Legislature, when appropriate, on public policy and strategies to improve the State's criminal justice system;
 - g. Review and evaluate criminal justice policies and proposed legislation to determine the impact on the State's adult and juvenile justice systems;
 - h. Promote communication among criminal justice professionals and the respective branches of State and local government to improve professionalism, create partnerships, and improve cooperation and coordination at all levels of the criminal justice system; and
 - i. Research and evaluate evidenced-based practices and use findings to influence decisions on policy.
12. The Grant Review Council ("Council") shall be established under the Commission and is charged with disbursing federal grant funding appropriated under provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; of the Violence Against Women Act of 1994, and other such federal grant programs as may come within the purview of the Idaho State Police with the overall mission of enhancing the efficiency and effectiveness of the criminal justice system in Idaho.
 - a. The Council shall consist of thirteen (13) members of the Idaho Criminal Justice Commission for the purpose of assisting the Idaho State Police in its distribution of grant funds. The Council membership shall be as follows:
 - i. The Attorney General or designee;
 - ii. The Administrative Director of the State Courts;
 - iii. The Director of the Idaho Department of Correction;
 - iv. The Director of the Idaho State Police;

- v. The Director of the Idaho Department of Juvenile Corrections;
 - vi. The Administrator of the Office of Drug Policy;
 - vii. The Idaho State Appellate Public Defender;
 - viii. A representative from the Idaho Prosecuting Attorneys Association;
 - ix. The Executive Director of the Idaho Association of Counties;
 - x. Two (2) citizens at large;
 - xi. A representative from the Idaho Sheriffs' Association; and
 - xii. A representative from the Idaho Chiefs of Police Association.
- b. In addition, the Council shall consist of the following seven (7) members appointed by the Chair of the Commission upon recommendation by the Commission:
- i. A representative from the Idaho Council on Domestic Violence;
 - ii. A representative from a statewide advocacy agency;
 - iii. A prosecuting attorney;
 - iv. A representative from the juvenile justice system;
 - v. A representative from the misdemeanor probation system;
 - vi. A Chief of Police; and
 - vii. A Sheriff.
- c. The Chair of the Council shall be appointed by vote of the members of the Council and shall serve a term of four (4) years. The Chair will report to the Commission not less than annually on the activities, actions, and decisions of the Council regarding the distribution of grant funds.
- d. Each member of the Council shall be entitled to one vote in the matters before them.
- e. No member may participate in a vote for a direct award of funds in which the member receives personal pecuniary benefits, as defined by Idaho Code. Unless prohibited by federal grant restriction, when a member has authority over an entity or agency which has applied for a direct award of funds, the member shall disclose the relationship to the Council. Upon disclosure of such relationship, the member may vote upon the award unless the member requests to be excused.
- f. Participation by Council members (or their designees, when authorized by this order) in the scoring and evaluation of the individual grant applications is required. Members not participating in the scoring and evaluation process will not be entitled to vote on the awarding of the application.
- g. Meetings of the Council shall be convened as determined necessary by the Chair of the Council, Chair of the Commission, or the Idaho State Police.
- h. The principal staff functions of the Council shall be located with the Idaho State Police.

- i. Members of the Council will receive travel reimbursement in accordance with Idaho State Police policy and procedures.
- j. The Council will establish by-laws in accordance with guidance provided by the Bureau of Justice Assistance and the Idaho State Police, and consistent with the Commission's long-term strategies.
- k. Members of the Council will receive training provided by the Idaho State Police and in conjunction with the Commission.
- l. Members of the Council will meet at least once a year to assist in strategic planning efforts with representatives from the Idaho State Police. The Council shall develop a strategic funding plan consistent with the statewide strategic planning efforts of the Commission.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 21st day of December in the year of our Lord two thousand and twenty.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2021-01

TRANSPORTATION OF HEMP

WHEREAS, the Agricultural Improvement Act of 2018 ("2018 Farm Bill") was signed into law by President Donald J. Trump on December 20, 2018; and

WHEREAS, the Agricultural Act of 2014 ("2014 Farm Bill") previously authorized certain limited hemp research pilot projects; and

WHEREAS, the 2018 Farm Bill provides that state laws regulating the production of hemp that are more stringent than the 2018 Farm Bill are not preempted (7 U.S.C. § 1639p(a)(3)(A)); and

WHEREAS, Idaho law prohibits the possession of hemp unless it is comprised of only the stalks of the mature Cannabis plant and contains 0.0% tetrahydrocannabinol (THC); and

WHEREAS, the 2018 Farm Bill allows for the United States Department of Agriculture (USDA) to license the production of hemp, as further defined in that law; and

WHEREAS, some western states, including some surrounding the State of Idaho, have instituted a research pilot project under the 2014 Farm Bill or are expected to allow production of hemp pursuant to the 2018 Farm Bill; and

WHEREAS, Section 10114(b) of the 2018 Farm Bill prevents states from prohibiting the transportation or shipment of hemp produced in accordance with Subtitle G of the Agricultural Marketing Act of 1946 (as amended by the insertion of Section 10113 of the 2018 Farm Bill); and

WHEREAS, the USDA recently promulgated interim final rules and regulations necessary to license hemp production under the 2018 Farm Bill; and

WHEREAS, Idaho law as currently written will likely conflict with federal law with respect to interstate transportation of hemp permitted by the 2018 Farm Bill now that the USDA interim final rules and regulations on hemp production have been published; and

WHEREAS, executive action is needed to assure that the laws of the State of Idaho are faithfully executed to protect the health, safety and welfare of the residents of this state from the illicit drug trade; and

WHEREAS, executive action is needed to temporarily resolve the conflict between state and federal law with respect to interstate transportation of hemp until a more permanent solution on interstate transportation and production is enacted by the Legislature; and

WHEREAS, the evolving landscape with respect to hemp necessitates a legal framework that is clear about the expectations of the State of Idaho with respect to the orderly transportation of hemp through our state and that is not overly burdensome on transporters.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and the laws of the State of Idaho, do hereby order that Executive Order 2019-13 is repealed and replaced by this Executive Order, and that the State of Idaho permit, on and after October 31, 2019, the interstate transportation of hemp produced in accordance with the 2014 Farm Bill or the 2018 Farm Bill and the rules and regulations promulgated thereunder, and in so doing do also order that:

1. Any transporter of hemp shall have the affirmative duty to stop at the first port of entry encountered in the State of Idaho to declare the presence of any hemp.
2. Any transporter of hemp must present at the port of entry:
 - a. An affirmation from the driver that their vehicle contains no illicit drugs or variations of hemp not explicitly authorized by the 2014 Farm Bill or the 2018 Farm Bill;
 - b. Verification, including a copy of the hemp production license from the producer of the hemp being transported, that the hemp was produced by a grower or producer duly licensed by a state or Indian Tribe authorized to regulate hemp production under the 2014 Farm Bill or the 2018 Farm Bill;
 - c. A laboratory results report which confirms each lot of hemp being transported complies with the 2014 Farm Bill or the 2018 Farm Bill, as provided in 7 C.F.R. §§990.70(d) and 990.71(d), and which was produced by a DEA-registered laboratory; and
 - d. A bill of lading, containing the shipment contents, origination, including lot number, and destination of the hemp, the weight of the load, and the type of vehicle hauling or transporting the hemp.
3. All receptacles, open or closed, of hemp being transported across Idaho must be labeled with the name and address of the producer, the quantity of the hemp, and the lot number to correspond with the above required documentation.
4. Any transporter of hemp shall consent to inspection of the shipment to ensure that the hemp complies with the 2014 Farm Bill or the 2018 Farm Bill, and shall further consent to randomly selected, reasonable-sized sampling of hemp for further off-sight testing by the Idaho State Police (ISP).

5. Once the hemp inspection is completed at the port of entry or roadside, transporters will be given an inspection report, confirming all required documents were presented and whether or not any samples of the hemp were taken. The inspection report must be presented upon request during any contact with a peace officer, as defined in Section 19-5101, Idaho Code, in the State of Idaho subsequent to the initial declaration at the port of entry or roadside.
6. Any transporters of hemp shall proceed through the State of Idaho avoiding any unnecessary delay because possession of any quantity of hemp other than for the narrow purpose of transporting across the State of Idaho in interstate commerce remains illegal in this state.
7. The Idaho State Department of Agriculture (ISDA), ISP and ITD shall promulgate such rules as are necessary to assure Idaho's compliance with the provisions of this Executive Order. I find that it is necessary that such rules become effective immediately upon adoption for the protection of the public health, safety, and welfare and in order to comply with the recently enacted USDA interim final rules on hemp. The ISDA, ISP, and ITD may contract with one another or any other department as may be necessary to efficiently carry out this Executive Order.
8. Nothing within this Executive Order or the corresponding rules adopted subsequent to this Executive Order shall authorize or be interpreted to legalize hemp, its byproducts, oils, or any other derivative prohibited by Idaho law. This Executive Order only permits the interstate transportation of hemp consistent with the 2018 Farm Bill and implementing regulations, this Executive Order, and the State of Idaho rules regarding the interstate transportation of hemp.
9. Nothing within this Executive Order or the corresponding rules adopted subsequent to this Executive Order shall authorize or be interpreted to apply to hemp transported in the State of Idaho prior to October 31, 2019. Failure to comply with any of the conditions of this Executive Order and the corresponding rules adopted subsequent to this Executive Order, may subject the transporter to the laws prohibiting marijuana under Chapter 27, Title 37, Idaho Code, and any other applicable civil and criminal penalties authorized by law.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 7th day of January in the year of our Lord two thousand twenty-one.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2021-02GOVERNOR'S LEADERSHIP IN NUCLEAR ENERGY (LINE) COMMISSION

WHEREAS, the Leadership in Nuclear Energy (LINE) Commission was established to advise the Governor on policies and actions of the State of Idaho to support and enhance the long-term viability of the Idaho National Laboratory (INL); and

WHEREAS, the INL continues to be our nation's nuclear energy laboratory resulting in economic prosperity for the State of Idaho today and in the future; and

WHEREAS, INL's expertise in areas including nuclear energy, clean energy, and national and homeland security bring tremendous research, education, and financial benefits to the State of Idaho; and

WHEREAS, continued state support and coordination is key to the success of INL, Idaho's universities and associated Idaho businesses and contractors.

NOW, THEREFORE, I, Governor Brad Little, Governor of the State of Idaho, hereby recognize the continuation of the Leadership in Nuclear Energy Commission, and establish the following:

1. The LINE Commission will advise the Governor on policies and actions of the State of Idaho that support and enhance the long-term viability and mission of INL as well as associated industries in Idaho.
2. The duties of the LINE Commission are advisory, and the Commission is tasked with making recommendations to the Governor that support and enhance the mission of INL and associated industries in Idaho.
3. The LINE Commission will focus on statewide outreach efforts to create a better understanding of INL and associated industries in Idaho.
4. Appointment to and membership on the LINE Commission does not constitute an individual's support or opposition for a specific finding, policy, or recommendation made by the Commission.
5. Members of the LINE Commission shall be appointed by and serve at the pleasure of the Governor. Members include, but are not limited to:
 - a. A Constitutional Officer of the State of Idaho;
 - b. The Idaho Attorney General or a designee chosen by the Attorney General;
 - c. The Director of the Idaho Department of Commerce or a designee chosen by the Director;
 - d. The Lab Director of Idaho National Laboratory or a designee chosen by the Director;
 - e. The Director of the Center for Advanced Energy Studies or a designee chosen by the Director;
 - f. A staff member of the Office of the Governor;
 - g. The Administrator of the Idaho Office of Energy and Mineral Resources or a designee chosen by the Administrator;
 - h. The Director of the Idaho Department of Environmental Quality or a designee chosen by the Director;
 - i. A representative of each of Idaho's Public Universities;
 - j. A representative of College of Eastern Idaho;
 - k. Two representatives from the Idaho Senate;

- l. Two representatives from the Idaho House of Representatives;
 - m. A Mayor;
 - n. A County Commissioner;
 - o. A representative of the Shoshone-Bannock Tribes;
 - p. A representative from the current DOE cleanup contractor and/or an expert in DOE environmental management programs;
 - q. Representatives from a private-sector nuclear industry company;
 - r. Representatives from Idaho agriculture or water users;
 - s. Members of the public;
 - t. A nationally-recognized expert in DOE programs;
 - u. A Ex-Officio member representing the State of Utah as designated by the Governor of Utah.
6. The Governor will appoint the Co-Chair/s of the LINE Commission.
 7. The Office of the Governor with assistance from the Idaho National Laboratory will staff the LINE Commission.
 8. The LINE Commission may request information and technical expertise from State of Idaho agencies on pertinent information germane to their agencies.
 9. The LINE Commission may request information and technical expertise from Idaho Indian Tribes, federal agencies, representatives from INL and associated industries, and members of the public.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 26th day of January in the year of our Lord two thousand twenty-one

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2021-03TRANSPARENCY IN THE ADMINISTRATION OF THE COVID-19 VACCINE

WHEREAS, the health and safety of all Idahoans is the greatest priority of our state and its leaders; and

WHEREAS, the wide-spread administration of a vaccine that is safe and effective against the 2019 novel coronavirus (COVID-19) is essential to ending the COVID-19 public health emergency, protecting the health and well-being of Idahoans, and returning the Idaho economy and our way of life back to normal as soon as possible; and

WHEREAS, the United States Food and Drug Administration ("FDA") has authorized and recommended the emergency use of the Pfizer-BioNTech's COVID-19 vaccine to prevent COVID-19 infections in individuals 16 years of age and older; and

WHEREAS, the FDA has authorized and recommended the emergency use of the Moderna COVID-19 vaccine to prevent COVID-19 in individuals 18 years of age and older; and

WHEREAS, the FDA has determined that both the Pfizer-BioNTech vaccine and the Moderna vaccine have been shown to be safe and effective in preventing COVID-19; and

WHEREAS, the FDA continues to evaluate additional COVID-19 vaccines for emergency use; and

WHEREAS, despite high demand for the vaccines, the number of doses available for use in the U.S. is extremely limited due to current manufacturing constraints; and

WHEREAS, the United States Centers for Disease Control and Prevention ("CDC") is responsible for allocating the limited supply of the doses to the each of the fifty states, including Idaho; and

WHEREAS, Idaho's public health districts determine the allocation of doses to enrolled COVID-19 vaccine providers within their health district; and

WHEREAS, the CDC provides the doses allocated for Idaho directly from the manufacture to each of Idaho's seven public health districts and enrolled COVID-19 vaccine providers; and

WHEREAS, the CDC's allocation of the vaccines to each of the fifty states has been slower than expected and, to date, the CDC has provided Idaho's public health districts with only enough doses to vaccinate a small percentage of Idahoans; and

WHEREAS, the CDC attempts to track the total number of doses that are delivered and administered in each state; and

WHEREAS, the CDC recognizes that the timeliness and accuracy of reporting data suffers from large gaps due to reporting delays and technical issues; and

WHEREAS, the delays with data reporting has left Idahoans without a clear picture as to whether Idaho's health providers are administering the doses quickly after the CDC provides the doses to Idaho's public health districts and enrolled COVID-19 vaccine providers; and

WHEREAS, consistent with Idaho's commitment to transparency throughout the COVID-19 pandemic, I announced on January 12, 2021, that the Idaho Department of Health and Welfare ("IDHW") will provide a COVID-19 Vaccine Data Dashboard at coronavirus.idaho.gov to inform Idahoans of the number of doses of vaccines received from the CDC and administered throughout Idaho; and

WHEREAS, in addition to the Vaccine Data Dashboard, the IDHW also implemented the COVID-19 Vaccination Capacity, Safety, and Reporting Grant program to ensure that all health providers enrolled in the program timely and accurately report when they administer a dose; and

WHEREAS, the limitations with the vaccine distribution reporting data continue to frustrate Idaho's ability to understand the speed at which enrolled COVID-19 Vaccine providers are administering doses after receiving them; and

WHEREAS, executive action is necessary to improve transparency for Idaho and ensure a more timely and efficient distribution and administration of vaccine doses that the CDC allocates to Idaho;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States and the Constitution of the State of Idaho including, but not limited to, Article IV, Section 5, do hereby proclaim and declare as follows:

1. Starting on February 1, 2021, and continuing thereafter until this order is rescinded or expires by operation of law, IDHW will obtain the following data from each enrolled COVID-19 vaccine provider:
 - a. The total number of doses that a public health district has allocated to the health provider. This information is to be obtained weekly.
 - b. The total number of allocated doses that the health provider has administered. This information is to be obtained daily.
 - c. The total number of allocated doses currently in inventory. This information is to be obtained daily.
2. All enrolled COVID-19 vaccine providers are expected to provide the above-referenced information to IDHW in a timely and organized manner.
3. All enrolled COVID-19 vaccine providers are expected to administer doses within seven days of receipt.
4. Beginning no later than February 8, 2021, IDHW will post the above information for each enrolled COVID-19 vaccine provider within the COVID-19 Vaccine Data Dashboard located at coronavirus.idaho.gov. IDHW will continue to post the required information every business day thereafter until this order is rescinded or expires by operation of law.
5. IDHW shall ensure that no personal health or identifying information of any recipient of a vaccine is posted on its website or otherwise made available to 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 28th day of January in the year of our Lord two thousand twenty-one.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2021-04BANNING VACCINE PASSPORTS

WHEREAS, the widespread administration of vaccines that are safe and effective against the 2019 novel coronavirus ("COVID-19") is essential to ending the COVID-19 public health emergency, protecting the health and well-being of Idahoans, and returning the Idaho economy and our way of life back to normal as soon as possible; and

WHEREAS, the United States Food and Drug Administration ("FDA") has authorized the emergency use of three COVID-19 vaccines that are safe and effective in preventing COVID-19 infections; and

WHEREAS, on April 5, 2021, all Idahoans aged 16 and older became eligible to receive at least one of the COVID-19 vaccines regardless of their medical condition or occupation; and

WHEREAS, 70-percent of our residents aged 65 and over and nearly 500,000 Idahoans have chosen to receive one of the COVID-19 vaccines; and

WHEREAS, I continue to encourage that all Idahoans aged 16 and older choose to receive one of the safe and effective COVID-19 vaccines, which is our best shot at protecting jobs and saving lives; and

WHEREAS, some states are exploring the creation of COVID-19 "vaccine passports," and New York is promoting a software program that will facilitate the exclusion of Americans who have not received a COVID-19 vaccine from receiving services and fully participating in public life; and

WHEREAS, Idaho law does not require Idahoans receive a COVID-19 vaccine and, while I strongly encourage Idahoans to choose to be vaccinated, it is a personal choice and some Idahoans because of their age, medical condition, or religious objection are unable to receive a vaccine; and

WHEREAS, I have serious concerns that implementing COVID-19 vaccine passports will violate Idahoans' medical privacy rights, prejudice those unable to receive the vaccine, slow our economic recovery, cause division among our populace and, ultimately, be counterproductive to the widespread administration of the COVID-19 vaccines among Idahoans; and

WHEREAS, it is contrary to my core values as an Idahoan and conservative to have the State of Idaho mandate the COVID-19 vaccine or issue COVID-19 vaccine passports; and

WHEREAS, pursuant to Article IV, Section 5 of the Idaho Constitution, the supreme executive power of the state is vested in the Governor of Idaho, who shall see that the laws are faithfully executed; and

WHEREAS, pursuant to Idaho Code § 67-802, the Governor is authorized and empowered to implement and exercise his constitutional duties by issuing executive orders which shall have the force and effect of law when issued.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of the State of Idaho, do hereby proclaim and declare as follows:

1. No department, agency, board, commission, or other executive branch entity or official of the State of Idaho shall:
 - a. Require as a condition of accessing state services or facilities that an individual produce proof he or she has received a COVID-19 vaccine;
 - b. Produce and issue a COVID-19 vaccine passport for the purpose of certifying that an individual has received a COVID-19 vaccine; or
 - c. Provide information of an individual's COVID-19 vaccine status to any person, company, or governmental entity for inclusion in a COVID-19 vaccine passport program.

2. All departments, agencies, boards, commissions, and other executive branch entities of the State of Idaho are directed to immediately take steps to rescind, alter, or suspend any administrative rules in conflict with this Executive Order.
3. This Executive Order does not, and shall not be construed to, prohibit, restrict, or otherwise limit:
 - a. The right of an individual to access his or her own personal health information under state or federal law; or
 - b. The normal operation of Idaho 's existing Immunization Reminder Information System (IRIS) .



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 7th day of April in the year of our Lord two thousand twenty-one.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

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39-176F	Amended	Ch.246 -	767
39-270	Amended	Ch. 33 -	75
39-401	Amended	Ch.336 -	1021
39-411	Amended	Ch.336 -	1021
39-413	Amended	Ch.336 -	1022
39-414	Amended	Ch. 90 -	317
39-414	Amended	Ch.336 -	1023
39-414	Referred to	Ch. 14 -	36
39-414	Referred to	Ch. 15 -	36
39-414	Referred to	Ch. 15 -	37
39-414A	Amended	Ch. 89 -	308
39-414A	Amended	Ch.336 -	1024
39-419	Amended	Ch. 90 -	318
39-423	Amended	Ch.336 -	1025
39-424	Referred to	Ch.336 -	1025
39-424A	New Section Added	Ch.336 -	1025

39-425	Amended	Ch. 336	- 1026
39-1202	Amended	Ch. 18	- 44
39-1301	Referred to	Ch. 334	- 1016
39-1301	Referred to	Ch. 334	- 1016
39-1301	Referred to	Ch. 334	- 1017
39-1301	Referred to	Ch. 334	- 1017
39-1318	Amended	Ch. 46	- 129
39-1326	Amended	Ch. 46	- 130
39-1329	Amended	Ch. 46	- 130
39-1330	Amended	Ch. 46	- 130
39-3628A	New Section Added	Ch. 175	- 487
39-3640	New Section Added	Ch. 94	- 324
Ch. 40	Referred to	Ch. 224	- 664
Ch. 41	Referred to	Ch. 224	- 664
39-4106	Amended	Ch. 222	- 622
39-4109A	New Section Added	Ch. 244	- 761
39-4124	New Section Added	Ch. 224	- 670
39-4124	Repealed	Ch. 224	- 670
Ch. 43	Referred to	Ch. 224	- 664
39-4302	Amended	Ch. 222	- 623
39-4303	Amended	Ch. 224	- 670
39-4429	Amended	Ch. 321	- 964
39-4801	Amended	Ch. 263	- 810
39-4802	Amended	Ch. 263	- 811
39-5204	Amended	Ch. 321	- 965
39-5403	Amended	Ch. 33	- 74
39-5608	Amended	Ch. 321	- 965
39-5803	Amended	Ch. 321	- 965
39-5812	Referred to	Ch. 321	- 965
39-6104	Amended	Ch. 321	- 966
39-7904	Amended	Ch. 321	- 966
39-7910	Amended	Ch. 321	- 967
Ch. 80	Referred to	Ch. 224	- 664
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40-513G	New Section Added	Ch. 193	- 521
40-513H	New Section Added	Ch. 235	- 716
40-616	Amended	Ch. 192	- 521
40-709	Referred to	Ch. 339	- 1037
40-1415	Amended	Ch. 273	- 824
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41-515A	New Section Added	Ch. 67	- 220
41-1027	Repealed	Ch. 42	- 124
41-1108	Amended	Ch. 42	- 127
41-1233	Amended	Ch. 42	- 124
41-1612	Amended	Ch. 42	- 125
41-1849	Amended	Ch. 184	- 505
41-1940	New Section Added	Ch. 41	- 110
41-1940	Repealed	Ch. 41	- 110
41-1940A	New Section Added	Ch. 41	- 113
41-1940B	New Section Added	Ch. 41	- 117
41-1940C	New Section Added	Ch. 41	- 119
41-1940D	New Section Added	Ch. 41	- 120

41-1940E	New Section Added	Ch. 41 -	120
41-1941	Amended	Ch. 41 -	121
41-1942	Amended	Ch. 41 -	123
41-2006	Amended	Ch. 321 -	968
41-2506	Amended	Ch. 42 -	125
41-2804	Amended	Ch. 321 -	969
41-2835	Amended	Ch. 145 -	397
41-2870	Amended	Ch. 321 -	970
Ch. 32	Referred to	Ch. 321 -	970
41-3237	Referred to	Ch. 321 -	970
41-3309	Referred to	Ch. 321 -	970
41-3354	Amended	Ch. 321 -	970
41-3401	Amended	Ch. 321 -	970
41-3413	Amended	Ch. 321 -	971
41-3423	Amended	Ch. 42 -	126
41-3444	Amended	Ch. 184 -	506
41-3502	Repealed	Ch. 42 -	126
41-3503	Repealed	Ch. 42 -	126
41-3608	Amended	Ch. 321 -	972
41-4404	Amended	Ch. 274 -	826
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42-204	Amended	Ch. 162 -	459
42-222B	New Section Added	Ch. 156 -	432
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42-237c	Repealed	Ch. 36 -	89
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42-237e	Amended	Ch. 36 -	89
42-237g	Repealed	Ch. 36 -	89
42-238	Amended	Ch. 65 -	197
42-238a	Amended	Ch. 36 -	89
42-238b	Repealed	Ch. 65 -	202
42-247	Repealed	Ch. 65 -	202
42-248	Amended	Ch. 157 -	433
42-605	Referred to	Ch. 107 -	349
42-612	Amended	Ch. 107 -	348
42-619	Amended	Ch. 321 -	974
42-1101	Repealed	Ch. 250 -	778
42-1102	Amended	Ch. 250 -	778
42-1204	Amended	Ch. 250 -	779
42-1208	Amended	Ch. 112 -	354
42-1409	Amended	Ch. 157 -	435
42-1409	Amended	Ch. 159 -	438
42-1411	Amended	Ch. 159 -	440
42-1701A	Referred to	Ch. 156 -	432
42-1701A	Referred to	Ch. 157 -	434
42-1760	Amended	Ch. 161 -	457
42-1901	Repealed	Ch. 65 -	202
42-1902	Repealed	Ch. 65 -	202
42-1903	Repealed	Ch. 65 -	202
42-1904	Repealed	Ch. 65 -	202
42-3129	Amended	Ch. 158 -	437
42-3133	Amended	Ch. 158 -	437
42-3809	Amended	Ch. 65 -	202
42-3812	Repealed	Ch. 65 -	202

42-4010	Amended	Ch. 65 -	202
42-4204	Amended	Ch. 325 -	999
42-4301	New Section Added	Ch. 256 -	787
TITLE 43			
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43-209	Amended	Ch. 111 -	353
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45-617	Amended	Ch. 66 -	204
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46-408	Amended	Ch. 63 -	196
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46-601	New Section Added	Ch. 359 -	1108
46-601	Repealed	Ch. 359 -	1107
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46-1005A	Amended	Ch. 225 -	696
46-1008	Amended	Ch. 355 -	1056
46-1008	Amended	Ch. 356 -	1058
46-1008	Amended	Ch. 357 -	1060
TITLE 47			
47-704	Amended	Ch. 321 -	975
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48-313	New Section Added	Ch. 13 -	32
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48-603	Amended	Ch. 57 -	184
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49-116	Amended	Ch. 171 -	476
49-123	Referred to	Ch. 242 -	749
49-306	Amended	Ch. 294 -	886
49-401A	Amended	Ch. 180 -	496
49-401C	New Section Added	Ch. 180 -	497
49-402	Amended	Ch. 149 -	417
49-402	Referred to	Ch. 200 -	550
49-402D	Amended	Ch. 321 -	978
49-403A	Amended	Ch. 148 -	400
49-403C	Amended	Ch. 148 -	401
49-408A	New Section Added	Ch. 200 -	549
49-421	Amended	Ch. 171 -	478
49-426	Amended	Ch. 149 -	419
49-426	New Section Added	Ch. 171 -	476
49-426	Repealed	Ch. 171 -	476
49-428	Amended	Ch. 149 -	420
49-428	Amended	Ch. 200 -	550
49-434	Referred to	Ch. 200 -	550
49-443	Amended	Ch. 321 -	979
49-456	Amended	Ch. 149 -	420
49-502	Amended	Ch. 69 -	251
49-504	Amended	Ch. 149 -	421
49-504	Amended	Ch. 180 -	497
49-505	Amended	Ch. 180 -	499
49-510	Referred to	Ch. 37 -	90

49-510A	New Section Added	Ch. 37 -	90
49-522	Amended	Ch.180 -	500
49-614	Amended	Ch.168 -	471
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49-648	Amended	Ch.168 -	471
49-649	Amended	Ch.168 -	472
49-650	Amended	Ch.168 -	472
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49-1401A	Amended	Ch. 20 -	52
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50-208	Amended	Ch. 89 -	309
50-304	Amended	Ch. 39 -	91
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50-403	Amended	Ch.325 -	1000
50-418	Amended	Ch.325 -	1000
50-606	Amended	Ch. 39 -	91
50-1002	Amended	Ch. 89 -	309
50-1003	Amended	Ch.337 -	1027
50-1008	Amended	Ch. 26 -	66
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50-2006	Amended	Ch. 87 -	292
50-2006	Amended	Ch. 89 -	310
50-2010	Amended	Ch. 87 -	294
50-2908	Referred to	Ch.273 -	825
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54-307	Amended	Ch.222 -	624
54-308	Amended	Ch.224 -	671
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54-401	Amended	Ch.222 -	624
54-604	Amended	Ch.222 -	624
54-706	Amended	Ch.222 -	625
54-907	Amended	Ch.222 -	625
54-910	New Section Added	Ch.224 -	673
54-910	Repealed	Ch.224 -	672
54-912	Amended	Ch. 7 -	6
54-912	Amended	Ch.221 -	609
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Ch.10	Referred to	Ch.224 -	664
54-1006	Amended	Ch.222 -	626
54-1015	New Section Added	Ch.224 -	673

54-1015	Repealed	Ch. 224	-	673
54-1016	Amended	Ch. 214	-	588
54-1105	Amended	Ch. 222	-	627
54-1116	Amended	Ch. 321	-	980
54-1203	Amended	Ch. 222	-	627
54-1207	Amended	Ch. 221	-	611
54-1209	New Section Added	Ch. 224	-	673
54-1209	Repealed	Ch. 224	-	673
54-1210	Amended	Ch. 174	-	483
54-1403	Amended	Ch. 222	-	628
54-1404	Amended	Ch. 221	-	611
54-1405	New Section Added	Ch. 224	-	674
54-1405	Repealed	Ch. 224	-	673
54-1413	Amended	Ch. 34	-	76
54-1503	Amended	Ch. 222	-	629
54-1508	Amended	Ch. 224	-	674
54-1603	Amended	Ch. 222	-	629
54-1704	Amended	Ch. 54	-	159
54-1704	Amended	Ch. 73	-	257
54-1705	Amended	Ch. 54	-	159
54-1706	Amended	Ch. 222	-	630
54-1707	Amended	Ch. 54	-	164
54-1710	Amended	Ch. 54	-	164
54-1713	Amended	Ch. 221	-	612
54-1714	Amended	Ch. 221	-	612
54-1715	Amended	Ch. 54	-	164
54-1718	Amended	Ch. 54	-	165
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54-1720	Amended	Ch. 224	-	674
54-1721	Amended	Ch. 54	-	167
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54-1723A	Amended	Ch. 54	-	169
54-1723B	Amended	Ch. 54	-	170
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54-1726	Amended	Ch. 54	-	171
54-1727	Amended	Ch. 54	-	172
54-1728	Amended	Ch. 54	-	173
54-1729	Amended	Ch. 54	-	174
54-1729A	New Section Added	Ch. 54	-	175
54-1730	Amended	Ch. 54	-	176
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54-1732	Amended	Ch. 54	-	177
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54-1733D	Amended	Ch. 54	-	180
54-1736	Amended	Ch. 54	-	180
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54-1739	Amended	Ch. 54	-	181
54-1751	Repealed	Ch. 54	-	181
54-1752	Repealed	Ch. 54	-	181
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54-1754	Repealed	Ch. 54	-	181
54-1757	Repealed	Ch. 54	-	181

54-1758	Repealed	Ch. 54	-	181
54-1759	Repealed	Ch. 54	-	181
54-1761	Amended	Ch. 54	-	181
54-1762A	Amended	Ch. 54	-	182
54-1764	Amended	Ch. 54	-	182
54-1765	Repealed	Ch. 54	-	183
54-1760	Referred to	Ch. 54	-	176
54-1805	Amended	Ch. 222	-	630
54-1806	Amended	Ch. 221	-	612
54-1807A	Amended	Ch. 60	-	191
54-1809	New Section Added	Ch. 224	-	676
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54-1809	Repealed	Ch. 224	-	676
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54-1905	Amended	Ch. 222	-	631
54-1921	New Section Added	Ch. 224	-	676
54-1921	Repealed	Ch. 224	-	676
54-2004	Amended	Ch. 261	-	802
54-2005	Amended	Ch. 222	-	632
54-2006	Amended	Ch. 221	-	613
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54-2059	Amended	Ch. 224	-	677
54-2065	Amended	Ch. 224	-	677
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54-2105	Amended	Ch. 40	-	100
54-2105	Amended	Ch. 221	-	614
54-2105	Amended	Ch. 222	-	632
54-2105	Amended	Ch. 224	-	678
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54-2107A	New Section Added	Ch. 40	-	104
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54-2108	Amended	Ch. 40	-	105
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54-2112	Amended	Ch. 40	-	106
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54-2304	Amended	Ch. 222	-	636
54-2404	Amended	Ch. 222	-	637
54-2407	Amended	Ch. 224	-	681
54-2512	Amended	Ch. 328	-	1004
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54-2605	Amended	Ch. 222	-	637
54-2630	New Section Added	Ch. 224	-	682
54-2630	Repealed	Ch. 224	-	682
54-2803	Amended	Ch. 222	-	638
54-2908	Amended	Ch. 222	-	638

54-2911	Amended	Ch. 224	-	682
54-3003	Amended	Ch. 222	-	639
54-3105	Amended	Ch. 222	-	643
54-3203	Amended	Ch. 222	-	643
54-3205	Amended	Ch. 224	-	682
54-3307	Amended	Ch. 222	-	644
54-3317	Amended	Ch. 224	-	682
54-3403	Amended	Ch. 222	-	644
54-3412	Amended	Ch. 224	-	683
54-3505	Amended	Ch. 224	-	683
54-3607	Referred to	Ch. 233	-	712
54-3714	Amended	Ch. 222	-	645
54-3719	Amended	Ch. 224	-	684
54-3915	Amended	Ch. 224	-	684
54-4006	Amended	Ch. 222	-	645
54-4106	Amended	Ch. 222	-	646
54-4113	Amended	Ch. 224	-	684
54-4122	Amended	Ch. 224	-	685
54-4204	Amended	Ch. 222	-	647
54-4216	Amended	Ch. 224	-	687
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54-4301	Repealed	Ch. 21	-	54
54-4302	New Section Added	Ch. 21	-	55
54-4302	Repealed	Ch. 21	-	54
54-4303	New Section Added	Ch. 21	-	55
54-4303	Repealed	Ch. 21	-	54
54-4304	New Section Added	Ch. 21	-	56
54-4304	Repealed	Ch. 21	-	54
54-4304A	Repealed	Ch. 21	-	54
54-4305	New Section Added	Ch. 21	-	56
54-4305	Repealed	Ch. 21	-	54
54-4306	New Section Added	Ch. 21	-	57
54-4306	Repealed	Ch. 21	-	54
54-4307	New Section Added	Ch. 21	-	57
54-4307	Repealed	Ch. 21	-	54
54-4308	New Section Added	Ch. 21	-	57
54-4308	Repealed	Ch. 21	-	54
54-4309	New Section Added	Ch. 21	-	58
54-4309	Repealed	Ch. 21	-	54
54-4310	New Section Added	Ch. 21	-	58
54-4310	Repealed	Ch. 21	-	54
54-4311	New Section Added	Ch. 21	-	58
54-4311	Repealed	Ch. 21	-	54
54-4312	New Section Added	Ch. 21	-	59
54-4312	Repealed	Ch. 21	-	54
54-4313	New Section Added	Ch. 21	-	60
54-4313	Repealed	Ch. 21	-	54
54-4314	New Section Added	Ch. 21	-	60
54-4314	Repealed	Ch. 21	-	54
54-4315	Amended	Ch. 224	-	687
54-4315	New Section Added	Ch. 21	-	60
54-4315	Repealed	Ch. 21	-	54
54-4316	Repealed	Ch. 21	-	54
54-4317	Repealed	Ch. 21	-	54
54-4318	Repealed	Ch. 21	-	54

54-4319	Repealed	Ch. 21	-	54
54-4320	Repealed	Ch. 21	-	54
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54-4510	Amended	Ch. 224	-	688
54-4702	Amended	Ch. 54	-	183
54-4704	Amended	Ch. 222	-	648
54-4711	Amended	Ch. 321	-	981
Ch. 50	Referred to	Ch. 224	-	664
54-5004	Amended	Ch. 222	-	649
54-5024	New Section Added	Ch. 224	-	688
54-5024	Repealed	Ch. 224	-	688
54-5103	Amended	Ch. 321	-	982
54-5105	Amended	Ch. 224	-	688
54-5206	Amended	Ch. 222	-	649
54-5308	Amended	Ch. 224	-	689
54-5309	Amended	Ch. 222	-	650
54-5313	Amended	Ch. 224	-	690
54-5403	Amended	Ch. 222	-	651
54-5408	Amended	Ch. 321	-	982
54-5503	Amended	Ch. 222	-	652
54-5606	Amended	Ch. 222	-	653
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54-5707	Amended	Ch. 55	-	183
54-5806	Amended	Ch. 222	-	653
54-5822	Amended	Ch. 224	-	691
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55-805	Amended	Ch. 283	-	857
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55-1702	New Section Added	Ch. 174	-	484
55-1702	Repealed	Ch. 174	-	484
55-1703	New Section Added	Ch. 174	-	485
55-1703	Repealed	Ch. 174	-	484
55-1704	Amended	Ch. 174	-	485
55-1705	New Section Added	Ch. 174	-	485
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55-1706	New Section Added	Ch. 174	-	485
55-1707	New Section Added	Ch. 174	-	485
55-1708	New Section Added	Ch. 174	-	486
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55-1709	Amended	Ch. 174	-	486
55-1710	New Section Added	Ch. 174	-	486
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55-2203	Amended	Ch. 222	-	654
55-2203	Amended	Ch. 224	-	691
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56-241	Repealed	Ch. 22 -	61
56-242	Repealed	Ch. 22 -	61
56-254	Amended	Ch. 22 -	61
56-254	Referred to	Ch. 336 -	1020
56-267	Referred to	Ch. 336 -	1020
56-1001	Amended	Ch. 257 -	788
56-1003	Amended	Ch. 257 -	789
56-1003	Referred to	Ch. 14 -	36
56-1003	Referred to	Ch. 15 -	36
56-1003	Referred to	Ch. 15 -	37
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57-825	New Section Added	Ch. 3 -	4
57-825	New Section Added	Ch. 268 -	817
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57-1103	Repealed	Ch. 194 -	522
57-1104	Repealed	Ch. 194 -	522
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59-509	Referred to	Ch. 295 -	898
59-803	Amended	Ch. 42 -	127
59-1019	Amended	Ch. 324 -	989
59-1302	Amended	Ch. 83 -	275
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59-1302	Referred to	Ch. 143 -	395
59-1303	Referred to	Ch. 143 -	395
59-1304	Amended	Ch. 178 -	493
59-1352B	New Section Added	Ch. 143 -	395
59-1356	Amended	Ch. 204 -	555
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61-215	Amended	Ch. 115 -	358
TITLE 63			
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63-301A	Amended	Ch. 360 -	1113
63-308	Amended	Ch. 26 -	67
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APPENDIX

IDAHO STATE OFFICIAL DIRECTORY

ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS

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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 G. Wasden (R)

SUPERINTENDENT OF PUBLIC INST. Sherri Ybarra (R)

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1 - BONNER & BOUNDARY COUNTIES

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 VICE CHAIR-Transportation
 Economic Outlook and Revenue Assessment Committee;
 Education; Finance/JFAC;

Spouse - Brenda

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 CHAIR-Business
 CHAIR-Ethics and House Policy
 Revenue & Taxation; Transportation & Defense

Spouse - Veronica

2 - KOOTENAI COUNTY

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3 - KOOTENAI COUNTY

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Spouse - Tyree

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Spouse - Melody

4 - KOOTENAI COUNTY

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 Change in Employee Compensation Committee; Local Government
 & Taxation

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Spouse - Julie

LEGISLATORS BY DISTRICT (Continued)

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 Committee
 VICE CHAIR-Appropriations/JFAC
 Joint Legislative Oversight/JLOC; Joint Millennium Fund
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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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 Agricultural Affairs; Education; Resources & Conservation

LEGISLATORS BY DISTRICT (Continued)

9 - ADAMS, CANYON, PAYETTE & WASHINGTON COUNTIES

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10 - CANYON COUNTY

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11 - CANYON COUNTY

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12 - CANYON COUNTY

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LEGISLATORS BY DISTRICT (Continued)

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15 - ADA COUNTY

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16 - ADA COUNTY

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LEGISLATORS BY DISTRICT (Continued)

17 - ADA COUNTY

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18 - ADA COUNTY

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19 - ADA COUNTY

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20 - ADA COUNTY

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LEGISLATORS BY DISTRICT (Continued)

21 - ADA COUNTY

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 Email: RBayer@senate.idaho.gov
 Real Estate Broker (Retired) Spouse - Dieter
 VICE CHAIR-Agricultural Affairs
 Local Government & Taxation

Steven C. Harris (R) House Seat A 5th Term
 3432 E Plympton Dr, Meridian 83642
 Home 332-1043
 Email: sharris@house.idaho.gov
 Business Owner Spouse - Wendy
 CHAIR-Revenue & Taxation
 Commerce & Human Resources; Economic Outlook and Revenue
 Assessment Committee; Transportation & Defense

Greg Ferch (R) House Seat B 1st Term
 PO Box 190671, Boise 83719
 Home 477-1002
 Email: GFerch@house.idaho.gov
 Chiropractor Spouse - Angie
 Business; Health & Welfare

22 - ADA COUNTY

Lori Den Hartog (R) Senate 4th Term
 PO Box 267, Meridian 83680
 Home 779-2022
 Email: LDenHartog@senate.idaho.gov
 Homemaker Spouse - Scott
 CHAIR-Transportation
 Agricultural Affairs; Education

John Vander Woude (R) House Seat A 6th Term
 Served 1 term, House 2006-2008
 5311 Ridgewood Rd, Nampa 83687
 Home 888-4210
 Email: JVanderWoude@house.idaho.gov
 Farmer Spouse - Judy
 VICE CHAIR-Health & Welfare
 Economic Outlook and Revenue Assessment Committee;
 Environment, Energy & Technology; Legislative Council;
 Resources & Conservation

Jason A. Monks (R) House Seat B 5th Term
 ASSISTANT MAJORITY LEADER
 3865 S Black Cat Rd, Meridian 83687
 Bus 884-8684 FAX 895-8013
 Email: JMonks@house.idaho.gov
 Small Business Owner Spouse - Shelley
 State Affairs; Transportation & Defense; Ways & Means

23 - ELMORE, OWYHEE & TWIN FALLS COUNTIES

Christy Zito (R) Senate 1st Term
 Served 2 terms, House 2016-2020
 8821 Old Highway 30, Hammett 83627
 Home 590-4633
 Email: CZito@senate.idaho.gov
 Homemaker
 Agricultural Affairs; Health & Welfare; Judiciary & Rules

Matthew "Matt" Bundy (R) House Seat A 1st Term
 1735 Castle Way, Mountain Home 83647
 Home 587-0602 Bus 587-2570
 Email: MBundy@house.idaho.gov
 Teacher/Retired USAF Spouse - Colette
 Appropriations/JFAC; Business; Local Government

Megan Blanksma (R) House Seat B 3rd Term
 MAJORITY CAUCUS CHAIR
 595 S Thacker Rd, 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 6th Term
 1631 Richmond Dr, Twin Falls 83301
 Home 731-1631 Bus 731-1631
 Email: LHeider@senate.idaho.gov
 Contractor/Broker (Retired) Spouse - Jan
 Health & Welfare; Joint Millennium Fund Committee; Resources &
 Environment; State Affairs

Lance Clow (R) House Seat A 5th Term
 2170 Bitterroot Dr, 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 2nd Term
 1681 Wildflower Ln, Twin Falls 83301
 Home 733-5790 FAX 733-5790
 Email: LHartgen@house.idaho.gov
 Trial Court Administrator (Retired) Spouse - Stephen
 VICE CHAIR-Judiciary, Rules & Administration
 Environment, Energy & Technology; Revenue & Taxation

LEGISLATORS BY DISTRICT (Continued)

25 - JEROME & TWIN FALLS COUNTIES

Jim L. Patrick (R) Senate 5th 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 2nd Term
 445 E 400 South, Jerome 83338
 Home 420-7975
 Email: LLickley@house.idaho.gov
 Rancher Spouse - Bill
 VICE CHAIR-Resources & Conservation Environment,
 Energy & Technology; Health & Welfare

Clark Kauffman (R) House Seat B 5th Term
 3791 N 2100 E, Filer 83328
 Home 326-4131 FAX 326-4132
 Email: CKauffman@house.idaho.gov
 Farmer Spouse - Debbie
 CHAIR-Agricultural Affairs
 Economic Outlook and Revenue Assessment Committee; Resources
 & Conservation; Revenue & Taxation

26 - BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

Michelle Stennett (D) Senate 6th Term
 MINORITY LEADER
 PO Box 475, Ketchum 83340
 Home 726-8106
 Email: MStennett@senate.idaho.gov
 Self-employed
 Health & Welfare; Joint Legislative Oversight/JLOC; Legislative
 Council; Resources & Environment; State Affairs

Muffy Davis (D) House Seat A 2nd Term
 PO Box 1477, Ketchum 83340
 Home 806-1895
 Email: MDavis@house.idaho.gov
 Professional Speaker Spouse - Jeff Burley
 Ethics and House Policy; Health & Welfare; Joint Millennium Fund
 Committee; Local Government; Resources & Conservation

Sally J. Toone (D) House Seat B 3rd Term
 MINORITY CAUCUS CHAIR
 2096 E 1500 S, Gooding 83330
 Home 934-8114 FAX 934-8114
 Email: SToone@house.idaho.gov
 Educator Spouse - Mark
 Agricultural Affairs; Commerce & Human Resources; Economic
 Outlook and Revenue Assessment Committee; Education; Ways &
 Means

27 - CASSIA & MINIDOKA COUNTIES

Kelly Arthur Anthon (R) Senate 4th Term
 MAJORITY LEADER
 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; Legislative Council; State Affairs

Scott Bedke (R) House Seat A 11th Term
 SPEAKER OF THE HOUSE
 PO Box 89, Oakley 83346
 Home 332-1123
 Email: SBedke@house.idaho.gov
 Rancher Spouse - Sarah
 Legislative Council

Fred Wood (R) House Seat B 8th Term
 PO 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 5th Term
 Served 1 term, House 2010-2012
 320 S Marsh Creek Rd, McCammon 83250
 Home 251-9303
 Email: JGuthrie@senate.idaho.gov
 Rancher/Business Owner
 VICE CHAIR-State Affairs
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Resources & Environment

Randy Armstrong (R) House Seat A 3rd Term
 PO 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 2nd Term
 6948 E Old Oregon Trail Rd, Lava Hot Springs 83246
 Home 240-0201
 Email: KAndrus@house.idaho.gov
 Rancher/Horse Trainer Spouse - Shelby
 VICE CHAIR-Agricultural Affairs
 Business; State Affairs

LEGISLATORS BY DISTRICT (Continued)

29 - BANNOCK COUNTY

Mark Nye (D) Senate 3rd Term
 Served 1 term, House 2014-2016
 PO 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; Local Government & Taxation

Dustin Manwaring (R) House Seat A 1st Term
 Served 1 term, House 2016-2018
 1469 W. Quinn Road, Pocatello 83202
 Home 252-5295
 Email: DManwaring@house.idaho.gov
 Attorney Spouse - Whitney
 Resources & Conservation; Revenue & Taxation; Transportation &
 Defense

James D. Ruchti (D) House Seat B 1st Term
 Served 2 terms, House 2006-2010
 5100 Pinyon Drive, Pocatello 83204
 Home 251-4104 Bus 478-5100 FAX 232-5100
 Email: JRuchti@house.idaho.gov
 Attorney Spouse - Wendy
 Agricultural Affairs; Judiciary, Rules & Administration; Revenue &
 Taxation

30 - BONNEVILLE COUNTY

Kevin Cook (R) Senate 1st Term
 1184 E Lazy Lane, Idaho Falls 83404
 Home 521-6776
 Email: KCook@senate.idaho.gov
 Software Engineer Spouse - Cheri
 Education; Finance/JFAC;

Gary L. Marshall (R) House Seat A 2nd 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 5th Term
 1860 Heather Circle, Idaho Falls 83406
 Home 522-4387
 Email: WendyHorman@house.idaho.gov
 Small Business Owner Spouse - Briggs
 Appropriations/JFAC; Commerce & Human Resources;
 Environment, Energy & Technology; Ethics and House Policy;
 Legislative Council

31 - BINGHAM COUNTY

Steve Bair (R) Senate 8th Term
 947 W 200 S, Blackfoot 83221
 Home 684-5209 FAX 684-5209
 Email: SBair@senate.idaho.gov
 Retired Farmer Spouse - Lori Kae
 CHAIR-Finance
 CO-CHAIR-JFAC
 Economic Outlook and Revenue Assessment Committee; Resources
 & Environment

David M. Cannon (R) House Seat A 1st Term
 75 E Judicial St, Blackfoot 83221
 Home 406-9637 Bus 406-9637
 Email: DCannon@house.idaho.gov
 Attorney Spouse - Lisa
 Agricultural Affairs; Judiciary, Rules & Administration; Revenue &
 Taxation

Julianne Young (R) House Seat B 2nd 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 4th Term
 MAJORITY CAUCUS CHAIR
 1619 8- Mile Creek Rd, Soda Springs 83276
 Home 547-3360
 Email: MHarris@senate.idaho.gov
 Rancher Spouse - Cheryl
 CO-CHAIR-Joint Legislative Oversight/JLOC
 Health & Welfare; State Affairs

Marc Gibbs (R) House Seat A 7th Term
 632 Highway 34, Grace 83241
 Home 425-3385 Bus 425-3337
 Email: MGibbs@house.idaho.gov
 Farmer Spouse - Bonne
 CHAIR-Resources & Conservation
 Health & Welfare

Chad Christensen (R) House Seat B 2nd Term
 PO Box 434, Iona 83427
 Home 419-3020
 Email: CChristensen@house.idaho.gov
 Small Business Owner
 Commerce & Human Resources; Health & Welfare; Local
 Government

LEGISLATORS BY DISTRICT (Continued)

33 - BONNEVILLE COUNTY

Dave Lent (R) Senate 2nd Term
 1186 Caysie Cir, Idaho Falls 83402
 Home 521-0716
 Email: DLent@senate.idaho.gov
 Nuclear Facility Training Manager Spouse - Terri
 (Retired)
 Education; Finance/JFAC; Joint Legislative Oversight/JLOC;
 Legislative Council

Barbara Ehardt (R) House Seat A 3rd Term
 961 J St, Idaho Falls 83402
 Home 332-1189 Bus 529-8600
 Email: BEhardt@house.idaho.gov
 Manager - Athletic Club
 CHAIR-Environment, Energy & Technology
 Education; Judiciary, Rules & Administration

Marco Erickson (R) House Seat B 1st Term
 646 Crestview Ave, Idaho Falls 83402
 Home 241-5665
 Email: MErickson@house.idaho.gov
 Coalition Program Director Spouse - Emily
 Health & Welfare; Judiciary, Rules & Administration; Local
 Government

34 - BONNEVILLE & MADISON COUNTIES

Doug Ricks (R) Senate 1st Term
 Served 1 term, House 2018-2020
 140 S 3rd East, Rexburg 83440
 Home 557-9665
 Email: DRicks@senate.idaho.gov
 Small Business Owner Spouse - Melissa
 VICE CHAIR-Judiciary & Rules
 Agricultural Affairs; Local Government & Taxation

Jon O. Weber (R) House Seat A 1st Term
 64 E Main St, Rexburg 83440
 Home 390-6128
 Email: JWeber@house.idaho.gov
 Self-employed Spouse - Heather
 Commerce & Human Resources; Local Government; Revenue &
 Taxation

Ron Nate (R) House Seat B 1st Term
 Served 2 terms, House 2014-2018
 2139 Ferris Lane, Rexburg 83440
 Home 403-3609
 Email: NateR@house.idaho.gov
 Economics Professor Spouse - Maria
 Appropriations/JFAC; Judiciary, Rules & Administration; Local
 Government

35 - BUTTE, CLARK, FREMONT & JEFFERSON COUNTIES

Van T. Burtenshaw (R) Senate 2nd 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
 CHAIR-Agricultural Affairs
 Resources & Environment

Karey Hanks (R) House Seat A 1st Term
 Served 1 term, House 2016-2018
 463 N. 1800 E., St. Anthony 83445
 Home 313-3911
 Email: KHanks@house.idaho.gov
 Homemaker/Bus Driver Spouse - Burke
 Agricultural Affairs; Commerce & Human Resources; State Affairs

Rod Furniss (R) House Seat B 2nd Term
 346 N 4456 East, Rigby 83442
 Home 589-1100
 Email: RFurniss@house.idaho.gov
 Insurance Sales Spouse - Jan
 VICE CHAIR-Business
 Environment, Energy & Technology; State Affairs

