

**GENERAL LAWS**  
**OF THE**  
**STATE OF IDAHO**



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

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**Volume 1**

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**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**

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CHAPTER 1  
(H.B. No. 436)

AN ACT

RELATING TO INCOME TAX; AMENDING SECTION 63-3024, IDAHO CODE, TO REVISE PROVISIONS REGARDING INCOME TAX; AMENDING SECTION 63-3024B, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE IDAHO TAX REBATE FUND; AMENDING SECTION 63-3025, IDAHO CODE, TO REVISE PROVISIONS REGARDING CORPORATE INCOME TAX AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 57-811, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAX RELIEF FUND; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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 percent (1%)
\$1,000 but less than \$3,000	\$10.00, plus three <del>and one-tenth</del> percent (3- <del>1</del> ) of the amount over \$1,000
\$3,000 but less than \$ <del>45</del> ,000	\$720.00, plus four and five-tenths percent (4.5%) of the amount over \$3,000
<del>\$4,000 but less than \$5,000</del>	<del>\$117, plus five and five-tenths percent (5.5%) of the amount over \$4,000</del>
\$5,000 and over	\$17260, plus six <del>and five-tenths</del> percent (6- <del>5</del> ) of the amount over \$5,000

For taxable year 2000 and each year thereafter, the state tax commission shall prescribe a factor 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 using the brackets above in this section~~ 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 that~~ 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 that~~ 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 Section 63-3024B, Idaho Code, be, and the same is hereby amended 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 subsection (2) of this section, which moneys are continuously appropriated. For rebates authorized under subsection (3) of this section, up to three hundred fifty million dollars (\$350,000,000), less administrative costs, shall be distributed by the state tax commission to pay rebates to individual taxpayers, which moneys are continuously appropriated.

(2) After filing a 2020 Idaho individual income tax return or form 24 on or before December 31, 2021, 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. Any unexpended moneys remaining from the rebate authorized under this subsection shall be added by the state tax commission to the moneys designated for the rebate authorized under subsection (3) of this section.

(3) After filing a 2021 Idaho individual income tax return or form 24 on or before December 31, 2022, any full-year resident taxpayer who also filed an individual income tax return or a form 24 for 2020 shall receive a onetime, nontaxable income tax rebate check in an amount approximately equal to twelve percent (12%) of the tax amount, if any, reported on 2020 form 40, line

20, or for service members on 2020 form 43, line 42, or seventy-five dollars (\$75.00) per taxpayer and each dependent, whichever is more. The state tax commission shall issue such rebates during the 2022 fiscal year to the extent possible.

(4) For rebates granted under subsection (3) of this section, the state tax commission shall establish a mechanism by which a taxpayer may choose to donate a rebate owed him under this section to be used for one (1) of the following purposes: public schools, transportation, or parks and recreation. The state tax commission shall report to the governor and legislature the amount of rebates redirected for these specific purposes by December 31, 2022, so that the legislature may appropriate such funds for the intended purposes in the 2023 legislative session.

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 ~~each 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 that~~ 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 ~~five-tenths~~ percent (6.5%) 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 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~~ Immediately upon the passage of this act, the state controller shall transfer ~~one hundred eighty ninety-four~~ million dollars (~~\$18094,000,000~~) 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.

(4) For fiscal year 2023 and each fiscal year thereafter, the state controller shall transfer up to two hundred four million dollars (\$204,000,000) from the tax relief fund to the general fund.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, and 3 of this act shall be in full force and effect on and after passage and approval, and retroactively to January 1, 2022, and Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved February 4, 2022

CHAPTER 2  
(H.B. No. 449)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PEST CONTROL DEFICIENCY WARRANT FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE HAZARDOUS SUBSTANCE EMERGENCY RESPONSE FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WASTE TIRE DISPOSAL DEFICIENCY WARRANT FUND; 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 \$368,400 from the General Fund to the Pest Control Deficiency Warrant Fund as soon as practicable for the period July 1, 2021, through June 30, 2022. Such moneys shall be used to reimburse costs incurred by the Plant Industries Program in the Department of Agriculture pursuant to Section 22-2019, Idaho Code.

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer \$12,000 from the General Fund to the Hazardous Substance Emergency Response Fund as soon as practicable for the period July 1, 2021, through June 30, 2022. Such moneys shall be used to reimburse costs incurred by the Office of Emergency Management Program in the Military Division pursuant to Section 39-7110, Idaho Code.

SECTION 3. There is hereby appropriated and the Office of the State Controller shall transfer \$25,000 from the General Fund to the Waste Tire Disposal Deficiency Warrant Fund as soon as practicable for the period July 1, 2021, through June 30, 2022. Such moneys shall be used to reimburse costs incurred by the Waste Management and Remediation Program in the Department of Environmental Quality pursuant to Section 39-6502, Idaho Code.

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

Approved February 4, 2022

CHAPTER 3  
(H.B. No. 443)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5771A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE PUBLIC SCHOOL HEALTH INSURANCE PARTICIPATION FUND; AMENDING SECTION 33-1002, IDAHO CODE, TO REMOVE PROVISIONS REGARDING LEADERSHIP PREMIUMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1004B, IDAHO CODE, TO REMOVE PROVISIONS REGARDING LEADERSHIP PREMIUMS; AMENDING SECTION 33-1004C, IDAHO CODE, TO REMOVE PROVISIONS REGARDING LEADERSHIP PREMIUMS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-1004F, IDAHO CODE, TO REMOVE PROVISIONS REGARDING LEADERSHIP PREMIUMS; REPEALING SECTION 33-1004J, IDAHO CODE, RELATING TO LEADERSHIP PREMIUMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 57, 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 67-5771A, Idaho Code, and to read as follows:

67-5771A. PUBLIC SCHOOL HEALTH INSURANCE PARTICIPATION FUND. (1) There is hereby created in the state treasury the public school health insurance participation fund. The fund is continuously appropriated to the state department of education for the purpose of funding the actuarially established onetime amount required for a public school to buy in to the state's medical and dental group insurance plan, not to exceed four thousand five hundred dollars (\$4,500) per support unit. The fund shall consist of moneys made available through legislative transfers, appropriations, or as otherwise provided by law and shall be available for use only to publicly funded K-12 educational institutions. Interest earnings from the investment of moneys in the fund shall be returned to the fund.

(2) All moneys in the fund shall be used only for onetime expenses associated with accommodating participation into the state's health plan as set forth in this section. The state department of education shall make payment or payments to the office of group insurance for this purpose within a reasonable time of participants being identified. If demand exceeds available funds, the state department of education shall administer the fund on a first-come, first-served basis. No funds may be expended prior to July 1, 2022, and any unexpended moneys remaining in the fund after June 30, 2024, shall be transferred by the state controller to the public education stabilization fund. If the public education stabilization fund is fully funded, then remaining funds shall be transferred to the general fund.

SECTION 2. 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;
- (sr) An amount specified in the public schools educational support program appropriation bill for literacy intervention pursuant to section 33-1807, 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;



(~~ts~~) For mastery-based education as provided for in section 33-1632, Idaho Code;

(~~ut~~) For pay for success contracting as provided in section 33-125B, Idaho Code; and

(~~vu~~) 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 adminis-

trative 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 3. 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.

(7) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for 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.

(8) 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

(9) 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.

(10) 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.

(11) 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 4. That Section 33-1004C, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004C. BASE AND MINIMUM SALARIES -- ~~LEADERSHIP PREMIUMS~~ -- EDUCATION AND EXPERIENCE INDEX. (1) The following shall be reviewed annually by the legislature:

(a) The base salary figures pursuant to subsections (6) and (7) of section 33-1004E, Idaho Code; and

(b) The minimum instructional and pupil service staff salary figure pursuant to subsections (1) through (5) of section 33-1004E, Idaho Code; and

~~(c) The leadership premium figures pursuant to subsections (1) and (2) of section 33-1004J, Idaho Code.~~

(2) The statewide education and experience index (or state average index, or state index) is the average of all qualifying employees, instructional and administrative, respectively. It is determined by totaling the index value for all qualifying employees and dividing by the number of employees.

SECTION 5. That Section 33-1004F, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004F. OBLIGATIONS TO RETIREMENT AND SOCIAL SECURITY BENEFITS. Based upon the actual salary-based apportionment, as determined in section 33-1004E, Idaho Code, and the master educator premiums distributed pursuant to section 33-1004I, Idaho Code, and ~~the leadership premiums distributed pursuant to section 33-1004J, Idaho Code,~~ there shall be allocated that amount required to meet the employer's obligations to the public employee retirement system and to social security.

SECTION 6. That Section 33-1004J, Idaho Code, be, and the same is hereby repealed.

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, 2022.

Approved February 8, 2022

CHAPTER 4  
(H.B. No. 454)

AN ACT

RELATING TO THE COMMISSION FOR THE BLIND AND THE VISUALLY IMPAIRED; AMENDING SECTION 67-5408, IDAHO CODE, TO PROVIDE A CORRECT CITATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5408, Idaho Code, be, and the same is hereby amended to read as follows:

67-5408. COMMISSION AS AGENCY TO ADMINISTER REHABILITATION IN FEDERAL PROGRAMS. The commission is hereby designated as the sole agency responsible for the vocational and other rehabilitation of the blind and shall administer the program of vocational rehabilitation for the blind as provided for in the vocational rehabilitation act amendments of 1965 (P.L. 113, 89th Congress; 29 U.S.C. Chapter 4 (Section 31 et seq.), and subsequent amendments rehabilitation act of 1973, P.L. 93-112, as amended by the workforce innovation and opportunity act of 2014, P.L. 113-128, and all subsequent amendments thereto, and shall observe and comply with all requirements of such 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 July 1, 2022.

Approved February 14, 2022

CHAPTER 5  
(H.B. No. 450)

AN ACT

RELATING TO EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1350, IDAHO CODE, TO PROVIDE BASE TAX RATES FOR CERTAIN YEARS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 72-1350, Idaho Code, be, and the same is hereby amended to read as follows:

72-1350. TAXABLE WAGE BASE AND TAXABLE WAGE RATES. (1) All remuneration for personal services as defined in section 72-1328, Idaho Code, equal to the average annual wage in covered employment for the penultimate calendar year, rounded to the nearest multiple of one hundred dollars (\$100), or the amount of taxable wage base specified in the federal unemployment tax act, whichever is higher, shall be the taxable wage base for purposes of this chapter.

(2) Prior to December 31 of each year, the director shall determine the taxable wage rates for the following calendar year for all covered employers, except cost reimbursement employers, in accordance with this section. If the desired fund size multiplier set forth in subsection (3) of this section is revised with an effective date that is prior to January



1 of the following year, the director shall issue adjusted taxable wage rates as soon as practicable and in accordance with the revised multiplier's effective date. Employers shall receive a credit against future taxes under this act for any overpayments resulting from tax payments made before the amended taxable wage rates are adjusted.

(3) An average high cost ratio shall be determined by calculating the average of the three (3) highest benefit cost rates in the twenty (20) year period ending with the preceding year. For the purposes of this section, the "benefit cost rate" is the total annual benefits paid, including the state's share of extended benefits but excluding the federal share of extended benefits and cost-reimbursable benefits, divided by the total annual covered wages excluding cost-reimbursable wages. The resulting average high cost ratio is multiplied by the desired fund size multiplier and the result, for the purposes of this section, is referred to as the "average high cost multiple" (AHCM). The desired fund size multiplier shall be eight-tenths (0.8) and shall increase to nine-tenths (0.9) on and after January 1, 2012; to one (1) on and after January 1, 2013; to one and one-tenth (1.1) on and after January 1, 2014; to one and two-tenths (1.2) on and after January 1, 2015; to one and three-tenths (1.3) on and after January 1, 2016; to one and four-tenths (1.4) on and after January 1, 2017; and to one and three-tenths (1.3) on and after January 1, 2018.

(4) The fund balance ratio shall be determined by dividing the actual balance of the employment security fund, section 72-1346, Idaho Code, and the reserve fund, section 72-1347A, Idaho Code, on September 30 of the current calendar year by the wages paid by all covered employers in Idaho, except cost-reimbursement employers, in the preceding calendar year.

(5) The base tax rate shall be determined as follows:

(a) Divide the fund balance ratio by the AHCM;

(b) Subtract the quotient obtained from the calculation in paragraph (a) of this subsection from the number two (2);

(c) Multiply the remainder obtained from the calculation in paragraph (b) of this subsection by two and one-tenth percent (2.1%). The product obtained from this calculation shall equal the base tax rate, provided ~~however,~~ that the base tax rate shall not be less than six-tenths percent (0.6%) and shall not exceed three and four-tenths percent (3.4%).

(6) The base tax rate calculated in accordance with subsection (5) of this section shall be used to determine the taxable wage rate effective the following calendar year for all covered employers except cost-reimbursement employers as provided in subsections (7) and (8) of this section, except that the base tax rate for calendar years 2022 and 2023 shall be equal to the base tax rate calculated for calendar year 2021.

(7) Table of rate classes, tax factors and minimum and maximum taxable wage rates:

Class	Cumulative Taxable Payroll Limits		Tax Factor	Eligible Employers	
	More Than (% of Taxable Payroll)	Equal to or Less Than (% of Taxable Payroll)		Minimum Taxable Wage Rate	Maximum Taxable Wage Rate
1	--	12	0.2857	0.180%	0.960%
2	12	24	0.4762	0.300%	1.600%
3	24	36	0.5714	0.360%	1.920%
4	36	48	0.6667	0.420%	2.240%
5	48	60	0.7619	0.480%	2.560%
6	60	72	0.8571	0.540%	2.880%
7	72	--	0.9524	0.600%	3.200%

## Standard-Rated Employers

Tax Factor	Minimum Taxable Wage Rate	Maximum Taxable Wage Rate
1.000	1.000%	3.4%

Class	Cumulative Taxable Payroll Limits		Tax Factor	Deficit Employers	
	More Than (% of Taxable Payroll)	Equal to or Less Than (% of Taxable Payroll)		Minimum Taxable Wage Rate	Maximum Taxable Wage Rate
-1	--	30	1.7143	1.080%	4.800%
-2	30	50	1.9048	1.200%	5.200%
-3	50	65	2.0952	1.320%	5.600%
-4	65	80	2.2857	1.440%	6.000%
-5	80	95	2.6667	1.680%	6.400%
-6	95	--	2.6667	5.400%	6.800%

(8) Each covered employer, except cost-reimbursement employers, will be assigned a taxable wage rate and a contribution rate as follows:

(a) Each employer, except standard-rated employers, will be assigned to one (1) of the rate classes for eligible and deficit employers provided in subsection (7) of this section based upon the employer's experience as determined under the provisions of sections 72-1319, 72-1319A, 72-1351 and 72-1351A, Idaho Code.

(b) For each rate class provided in subsection (7) of this section, the department will multiply the base tax rate determined in accordance with subsection (5) of this section by the tax factor listed for that rate class in the table provided in subsection (7) of this section. The product obtained from this calculation shall be the taxable wage rate for employers assigned to that rate class, provided however, that the taxable wage rate shall not be less than the minimum taxable wage rate assigned to that rate class and shall not exceed the maximum taxable wage rate assigned to that rate class in the table provided in subsection (7) of this section.

(c) For standard-rated employers, the department will multiply the base tax rate determined in accordance with subsection (5) of this

section by the tax factor listed for standard-rated employers in the table provided in subsection (7) of this section. The product obtained from this calculation shall be the taxable wage rate for standard-rated employers, provided however, that the taxable wage rate shall not be less than the minimum taxable wage rate assigned to standard-rated employers and shall not exceed the maximum taxable wage rate assigned to standard-rated employers in the table provided in subsection (7) of this section.

(d) Deficit employers who have been assigned a taxable wage rate from deficit rate class 6 will be assigned contribution rates equal to their taxable wage rate.

(e) All other eligible, standard-rated, and deficit employers will be assigned contribution rates equal to ninety-seven percent (97%) of their taxable wage rate. Provided however, that for each calendar year a reserve tax is imposed pursuant to section 72-1347A, Idaho Code, the contribution rates for employers assigned contribution rates pursuant to this paragraph shall be eighty percent (80%) of their taxable wage rate.

(9) Each employer shall be notified of his taxable wage rate as determined for any calendar year pursuant to this section and section 72-1351, Idaho Code. Such determination shall become conclusive and binding upon the employer, unless within fourteen (14) days after notice as provided in section 72-1368(5), Idaho Code, the employer files an application for redetermination, setting forth his reasons therefor. Reconsideration shall be limited to transactions occurring subsequent to any previous determination which that has become final. The employer shall be promptly notified of the redetermination, which shall become final unless an appeal is filed within fourteen (14) days after notice as provided in section 72-1368(5), Idaho Code. Proceedings on the appeal shall be in accordance with the provisions of section 72-1361, Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2022.

Approved February 18, 2022

CHAPTER 6  
(H.B. No. 445)

AN ACT

RELATING TO CARE OF BIOLOGICAL PRODUCTS; REPEALING SECTION 39-1501, IDAHO CODE, RELATING TO VACCINES, ANTITOXINS, AND OTHER SERA; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-1501, Idaho Code, be, and the same is hereby repealed.

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, 2022.

Approved February 21, 2022

CHAPTER 7  
(H.B. No. 472)

AN ACT

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

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

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

63-3004. INTERNAL REVENUE CODE. ~~(1)~~ The term "Internal Revenue Code" means the Internal Revenue Code, as amended, and in effect on the first day of January 2021~~2~~, except that Internal Revenue Code sections 85 and 461(1) ~~is~~ are applied as in effect on January 1, 2020.

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

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2022.

Approved February 23, 2022

CHAPTER 8  
(S.B. No. 1249)

AN ACT

RELATING TO PROPERTY TAX BUDGETS; AMENDING SECTION 63-802, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIMITATIONS ON TAXING DISTRICT BUDGETS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-802, Idaho Code, be, and the same is hereby amended to read as follows:

63-802. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES -- EXCEPTIONS. (1) Except as otherwise provided in 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 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, 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. The taxing district shall determine what portion of the three percent (3%) in-

crease 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 increase in the amount of property tax revenue to finance an annual budget added as a result of the termination, deannexation, or plan modification of a revenue allocation area of an urban renewal district pursuant to section ~~50-2909(4)~~ 63-301A(3)(g), (j), or (k), 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) 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, 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 that~~ 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 for-

gone 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 that~~ which that 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 the 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) 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 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, 2022.

Approved February 23, 2022

CHAPTER 9  
(H.B. No. 444)

AN ACT

RELATING TO THE CORONAVIRUS LIMITED IMMUNITY ACT; AMENDING SECTION 1, CHAPTER 97, LAWS OF 2021, TO EXTEND THE SUNSET DATE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 1, Chapter 97, Laws of 2021, be, and the same is hereby amended to read as follows:

SECTION 3. The provisions of Section 1 of this act shall be null, void, and of no force and effect on and after July 1, 2022<sup>3</sup>.

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, 2022.

Approved February 24, 2022

CHAPTER 10  
(S.B. No. 1273)

AN ACT

RELATING TO THE SECRETARY OF STATE; AMENDING SECTION 34-701, IDAHO CODE, TO REVISE PROVISIONS REGARDING PAYMENT METHODS ACCEPTED FOR CANDIDATE FILING FEES BY THE SECRETARY OF STATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-701, Idaho Code, be, and the same is hereby amended to read as follows:

34-701. DECLARATIONS OF CANDIDACY AND PETITIONS -- FORM PRESCRIBED BY SECRETARY OF STATE -- FILING FEES. (1) The secretary of state shall prescribe the form for all declarations of candidacy and petitions required to be filed for any office. This form shall be uniform throughout the state; provided, however, that a candidate for judicial office must designate the particular office that he seeks, both in his petitions and declaration of candidacy.

(2) All filing fees shall be paid in cash, cashier's check, postal money orders, credit card, debit card, or personal check. Any transaction cost associated with processing a credit card or debit card payment that is charged to the office receiving a candidate filing fee may be added to said filing fee.

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

Approved February 25, 2022



CHAPTER 11  
(S.B. No. 1262)

AN ACT

RELATING TO THE STATE DISASTER PREPAREDNESS ACT; AMENDING SECTION 46-1008, IDAHO CODE, TO PROVIDE FOR CERTAIN LIMITATIONS DURING A STATE OF DISASTER EMERGENCY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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, and proclamations and may 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 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 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, and except as provided in subsection (7) (c) of this section, 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; and

(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 P.L. 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:

(a) Impose or enforce any additional restrictions on the lawful manufacturing, possession, transfer, sale, transport, storage, display or use of firearms or ammunition or their components or accessories, 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. The transport, storage, transfer, sale, commerce in, import and export of, distribution, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components, shooting ranges, and other goods and services directly related to lawful firearm possession, use, storage, repair, maintenance, sale or transfer, and training in the use of firearms are declared to be life-sustaining, essential businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, public health crises, or emergencies of whatever kind or nature;

(b) Suspend or revoke a license to carry concealed weapons or refuse to accept and process an application for a license to carry concealed weapons, except in accordance with the provisions of chapter 33, title 18, Idaho Code; or

(c) Notwithstanding the provisions of subsection (5) of this section, seize, commandeer, or confiscate in any manner any privately owned firearm, ammunition, or firearms or ammunition components that are possessed, carried, displayed, sold, transferred, transported, stored, or used in connection with otherwise lawful conduct.

(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 July 1, 2022.

Approved February 25, 2022

CHAPTER 12  
(S.B. No. 1238)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-512D, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING SELF-DIRECTED LEARNERS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 33-512D, Idaho Code, and to read as follows:

33-512D. SELF-DIRECTED LEARNER DESIGNATION. (1) A student attending public school in Idaho shall be eligible to be designated as a self-directed learner. For the purposes of this section, a "self-directed learner" means a student:

(a) Who demonstrates mastery of content knowledge through grades, assessments, or mastery-based learning rubrics;

- (b) Whose teacher or teachers designate the student as such. The teacher may consider the student's mastery of the content, academic growth, timeliness for assignments, self-motivation, ability to establish goals, and reaching age-appropriate learning outcomes;
- (c) Who, starting in grade 5, demonstrates mastery of addition and multiplication for numbers 0-10, as well as related subtraction and division problems, known collectively as "math facts"; and
- (d) Who, starting in grade 8, demonstrates an informed choice of postsecondary career and education goals by:
- (i) Completing and updating his student learning plan as defined in section 33-1001(30), Idaho Code;
  - (ii) Supplementing his student learning plan, as applicable, with the following that further his postsecondary goals:
    1. Extended learning opportunities as defined in section 33-6401, Idaho Code;
    2. Courses and examinations funded in chapter 46, title 33, Idaho Code; or
    3. Any other credits or programs permitted under Idaho Code or district policy as applicable to the student's learning plan; and
  - (iii) Identifying and writing down self-determined personal life goals, including an explanation of how attending specific classes will lead to the fulfillment of personal life goals.
- (2) Each school district or public charter school may adopt a self-directed learner policy to provide processes:
- (a) Through which students may seek a self-directed learner designation;
  - (b) By which teachers may designate a student as a self-directed learner;
  - (c) To monitor and support self-directed learners;
  - (d) By which a student's teacher or teachers rescind the self-directed learner designation; and
  - (e) As otherwise necessary for implementation.
- (3) Once a student is designated a self-directed learner, the student has the right to flexible learning. Flexible learning may be different for each student and may include flexible attendance, attending school virtually, extended learning opportunities, and any other agreed-upon learning inside or outside the classroom. Starting in grade 8, flexible learning should further the student's progress toward postsecondary goals. Any flexible learning permitted under this section must be agreed upon by the student, his teacher or teachers, and the student's parents or legal guardian.
- (4) In order to remain a self-directed learner, the student must meet criteria agreed upon by him, his teacher or teachers, and his parents or legal guardian. Criteria may include continued mastery of content knowledge and skills, academic growth, progress toward postsecondary goals, or other measures of student learning. If a student fails to meet the agreed-upon criteria or fails to stay current on classroom assignments, and does not cure the failure within an agreed-upon time frame, the building administrator shall rescind the self-directed learner designation upon recommendation by the teacher or teachers.
- (5) A self-directed learner will be reported as enrolled as one (1.0) FTE or in attendance for a full day in school for the purpose of calculating support units and public school funding. The district or charter school will receive full funding for its self-directed learners, regardless of attendance or actual hours of instruction up to one (1) full day of attendance or one (1.0) FTE, or the remaining day or FTE if the student is shared between two (2) or more school districts or public charter schools.

(6) Each school district or public charter school must report the number of self-directed learners to the state department of education annually.

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, 2022.

Approved March 1, 2022

CHAPTER 13  
(S.B. No. 1255)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1029, IDAHO CODE, TO PROVIDE FOR STATUTORY CONSTRUCTION WITH REGARD TO NONPUBLIC SCHOOL STUDENTS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1030, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1031, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING AN EMPOWERING PARENTS GRANT PROGRAM; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1032, IDAHO CODE, TO PROVIDE FOR A PARENT ADVISORY PANEL; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1033, IDAHO CODE, TO PROVIDE FOR A CERTAIN REPORT AND EVALUATION; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1034, IDAHO CODE, TO ESTABLISH AN EMPOWERING PARENTS GRANT PROGRAM FUND; PROVIDING SEVERABILITY; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1029, Idaho Code, and to read as follows:

33-1029. STATUTORY CONSTRUCTION -- NONPUBLIC SCHOOL STUDENTS. Nothing in sections 33-1030 through 33-1034, Idaho Code, shall be construed to give the state authority to regulate the education of nonpublic school students.

SECTION 2. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1030, Idaho Code, and to read as follows:

33-1030. DEFINITIONS. As used in this section through section 33-1034, Idaho Code:

(1) "Assessment" means an examination or another objective evaluation of a student's academic performance, academic engagement, or college or career readiness.

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

(3) "Eligible education expenses" means:

(a) Computer hardware, internet access, or other technological devices or services that are primarily used to meet a participant's educational needs;

(b) Textbooks, curriculum, or other instructional materials, including educational software and applications;

(c) Fees for national standardized assessments, advanced placement examinations, examinations related to college or university admissions, or industry-recognized certification examinations;

(d) Therapies, including but not limited to occupational, behavioral, physical, speech-language, and audiology therapies, or other services or therapies specifically approved by the board;

(e) Educational programs offered for a fee or pursuant to contract by a school district, public charter school, or career technical education program to nonpublic students, provided that such students may not be counted for purposes of calculating public school enrollment; or

(f) Other education expenses and services as approved by the board, upon recommendation of the parent advisory panel established pursuant to section 33-1032, Idaho Code.

(4) "Eligible student" means a person in kindergarten through grade 12, whether a public school or nonpublic school student.

(5) "Grant" means an award of one thousand dollars (\$1,000), which must be used for eligible education expenses.

(6) "Grant distribution platform" means a digital platform through which grant funds are transferred from the board to participant accounts.

(7) "Parent" means the parent or legal guardian of an eligible student or a participant.

(8) "Participant" means an eligible student for whom a grant is awarded under section 33-1031, Idaho Code.

(9) "Program" means the empowering parents grant program established by section 33-1031, Idaho Code.

SECTION 3. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1031, Idaho Code, and to read as follows:

33-1031. **EMPOWERING PARENTS GRANT PROGRAM.** (1) There is hereby established the empowering parents grant program, to be administered by the board according to the provisions of this section. The purpose of the program is to provide education grants for eligible students.

(2) In order to administer the program, the board:

(a) Shall create and administer, or designate a third party to create and administer, a grant distribution platform;

(b) Shall establish a grant application process for parents;

(c) Shall, subject to appropriation, award grants. Grant awards shall be made in the following order of preference:

(i) First to eligible students whose household has an adjusted gross income under sixty thousand dollars (\$60,000), as verified by the Idaho state tax commission using the prior year's tax returns. Notification of grant awards for students in this category shall be made within thirty (30) days of application, and grant funds shall be made available for participants' use as soon as practicable, but no later than thirty (30) days after the notification of a grant award;

(ii) Starting sixty (60) days after grant awards in a fiscal year are made under subparagraph (i) of this paragraph, to eligible students whose household has an adjusted gross income under seventy-five thousand dollars (\$75,000), as verified by the Idaho state tax commission using the prior year's tax returns; and

(iii) Starting sixty (60) days after grant awards in a fiscal year are made under subparagraph (ii) of this paragraph, to all other eligible students on a first-come, first-served basis until all available funds are distributed; and

(d) May take such other actions as are necessary to implement and enforce the provisions of this section.

(3) Prior to the award of a grant, the parent of a participant shall agree to verify program compliance. The parent of a participant shall use grant funds only for eligible education expenses. If a parent is found to misuse grant funds, then neither the parent nor another parent of the student living in the same household may apply for a grant in the future for any student, provided that the parent may appeal the finding to the board.

(4) Grant funds shall be expended within two (2) years after they are awarded. Any unused funds at the end of the two (2) year period shall revert to the empowering parents grant program fund established in section 33-1034, Idaho Code.

(5) Grant awards per family shall be capped at three thousand dollars (\$3,000), regardless of the number of eligible students in the family.

SECTION 4. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1032, Idaho Code, and to read as follows:

33-1032. PARENT ADVISORY PANEL. (1) For purposes of this section:

(a) "Executive director" means the executive director of the office of the state board of education.

(b) "Program funds" means funds distributed to parents pursuant to section 33-1031, Idaho Code.

(2) There is hereby established in the office of the state board of education a parent advisory panel, which shall make recommendations to the board:

(a) As described in section 33-1030(3)(f), Idaho Code; and

(b) On how to implement, administer, and improve the program described in section 33-1031, Idaho Code.

(3) The parent advisory panel shall consist of seven (7) members. Three (3) members shall be appointed by the governor, two (2) members shall be appointed by the president pro tempore of the senate, and two (2) members shall be appointed by the speaker of the house of representatives. The members must be parents of eligible students, with preference given to parents who have applied for program funds or who, for the initial appointment of the panel, have indicated their intent to apply for program funds. Members of the panel shall represent different regions of the state. Members shall serve one (1) year terms at the pleasure of their appointing authority and may be reappointed if they meet the eligibility criteria described in this subsection. The executive director or the executive director's designee shall serve as the nonvoting chair of the parent advisory panel.

(4) At the request of the board, the parent advisory panel shall meet, in person or virtually, to discuss and make recommendations as described in subsection (2) of this section.

(5) If a parent appeals a finding that program funds were used for a purpose other than eligible education expenses, then the panel shall meet to consider the appeal and recommend a decision on the appeal to the board.

SECTION 5. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1033, Idaho Code, and to read as follows:

33-1033. REPORT AND EVALUATION. (1) By December 15 of each year, the board shall report to the governor and the senate and house of representatives education committees:

- (a) The total funds appropriated for the empowering parents grant program in the current fiscal year and the prior fiscal year;
- (b) The number of applicants for the program in the current fiscal year and the prior fiscal year;
- (c) The number of grants awarded in the current fiscal year and the prior fiscal year and how grant funds were used by participants; and
- (d) Other matters concerning the program that are:
  - (i) Considered relevant by the board; or
  - (ii) Specifically requested for inclusion in the report by the governor or by any member of the senate or the house of representatives.

(2) By June 30, 2024, and every two (2) years thereafter, the board shall designate a third party to evaluate the program. The evaluation shall be conducted according to criteria set by the board, the senate and house of representatives education committees, and the joint finance-appropriations committee.

SECTION 6. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1034, Idaho Code, and to read as follows:

33-1034. EMPOWERING PARENTS GRANT PROGRAM FUND. There is hereby established in the state treasury the empowering parents grant program fund, to be administered by the board. Moneys in the fund shall:

- (1) Consist of the following:
  - (a) Legislative appropriations;
  - (b) Donations and contributions made to the fund; and
  - (c) Interest earned on idle moneys in the fund;
- (2) Be continuously appropriated for the purpose described in subsection (3) of this section; and
- (3) Be used to pay grants awarded under the empowering parents grant program.

SECTION 7. 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 8. LEGISLATIVE INTENT. It is the intent of the Legislature that grant applications described in Section 33-1031, Idaho Code, as enacted by Section 3 of this act, be made available within 45 days of the date this act becomes effective law, and the State Board of Education is hereby directed to make such applications available in conformity with this intent.

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

Approved March 1, 2022



CHAPTER 14  
(S.B. No. 1247)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1002G, IDAHO CODE, TO PROVIDE THAT ELIGIBLE COOPERATIVE SERVICE AGENCIES MAY ESTABLISH CAREER TECHNICAL SCHOOLS AND TO PROVIDE THAT A COOPERATIVE SERVICE AGENCY MUST OWN OR MAINTAIN A FACILITY SEPARATE FROM ANY OF THE MEMBER SCHOOL DISTRICTS MAKING UP THE COOPERATIVE SERVICE AGENCY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1002G, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002G. CAREER TECHNICAL SCHOOL FUNDING AND ELIGIBILITY. (1) School districts, and public charter schools, and eligible cooperative service agencies may establish career technical schools that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical schools. These funds will be appropriated to the state board for career technical education, to be expended by the division of career technical education. In order for a school to qualify for funding as a career technical school, it must make application to the division of career technical education on or before the fifteenth of April for the following fiscal year. This includes applicants for new schools and renewal applications. Approved public charter schools with career technical education programs will receive the same added cost unit as any other eligible school on an actual approved cost basis not to exceed the per-student cost for a traditional instructional delivery method. All career technical schools must meet all three (3) of the following criteria:

- (a) The school serves students from two (2) or more high schools. No one (1) high school can comprise more than eighty-five percent (85%) of the total enrolled career technical school students. In the event a student enrolled in the career technical school is not enrolled in a public high school, the eighty-five percent (85%) will be calculated based on the public high school attendance area where the student resides. This provision does not exclude a public charter school with a statewide boundary from applying for appropriate added cost funds authorized for career technical education, irrespective of the instructional delivery method.
  - (b) The majority of the school's program offerings lead to some form of postsecondary credit, such as dual credit or other advanced opportunities, as defined by the state board of education, or include apprenticeship opportunities.
  - (c) All school programs offer at least one (1) supervised field experience for all students.
- (2) All career technical schools must also meet at least one (1) of the following three (3) requirements:
- (a) The school is funded separately from schools that qualify for computation using regular secondary support units.
  - (b) The school has a separate and distinct governing board.
  - (c) The majority of the school programs are provided at dedicated facilities that are separate from the regular high school facilities.

(3) An eligible cooperative service agency, formed pursuant to section 33-317, Idaho Code, must own or maintain a facility separate from any of the member school districts making up the cooperative service agency.

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

Approved March 2, 2022

CHAPTER 15  
(S.B. No. 1292)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION 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 305, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Board of Education for the OSBE Administration Program \$7,800 from the General Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of providing rent for additional office space.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 305, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Board of Education for the OSBE Administration Program \$1,000,000 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 providing grants to public schools to support the fine arts, performing arts, and design courses.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 305, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Office of the State Board of Education for the OSBE Administration Program \$50,000 from the Miscellaneous Revenue Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of providing grants for agricultural research and education programs.

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

Approved March 7, 2022

CHAPTER 16  
(S.B. No. 1248)

AN ACT

RELATING TO WATER AND SEWER DISTRICTS; AMENDING SECTION 42-3209, IDAHO CODE, TO REVISE PROVISIONS REGARDING COMPENSATION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 42-3209, Idaho Code, be, and the same is hereby amended to read as follows:

42-3209. ORGANIZATION OF BOARD -- ACCOUNTS OF TREASURER -- COMPENSATION OF MEMBERS -- ANNUAL AUDIT -- REMOVAL OF DIRECTORS. After taking oath and filing bonds, the board shall choose one (1) of its members as chairman of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person. Such board shall adopt a seal and the secretary shall keep, in a well-bound book, a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts, which shall be open to inspection of all owners of real property in the district, as well as to all other interested parties.

The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district, in permanent records. He shall file with the clerk of the court, at the expense of the district, a corporate fidelity bond in an amount not less than five thousand dollars (\$5,000), conditioned on the faithful performance of the duties of his office.

Each member of the board shall receive as compensation for his service a sum not in excess of one hundred fifty dollars (~~\$1500~~) per meeting, payable monthly. No member of the board shall receive any compensation as an employee of the district or otherwise, other than that herein provided, and no member of the board shall be interested in any contract or transaction with the district except in his official representative capacity.

It shall be the duty of the board of directors to cause an audit to be made of all financial affairs of the district during each year ending November 30<sup>th</sup> as required in section 67-450B, Idaho Code.

The court having jurisdiction of the district shall have the power to remove directors for cause shown, on petition, notice and hearing.

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, 2022.

Approved March 7, 2022

CHAPTER 17  
(H.B. No. 634)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2022; CLARIFYING THE ORIGINAL FUND SOURCE FOR ADDITIONAL EXPENDITURES IN THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM 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 3, Chapter 345, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Teachers \$25,561,300 from the Public School Income Fund to be expended for the period July 1, 2021, through June 30, 2022.

SECTION 2. In addition to the appropriation made in Section 3, Chapter 313, Laws of 2021, and any other appropriation provided by law, 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	\$1,958,300
Federal Grant Fund	<u>74,000,000</u>
TOTAL	\$75,958,300

SECTION 3. There is hereby appropriated and the Office of the State Controller shall transfer \$27,519,300 from the General Fund to the Public School Income Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 4. The following additional amounts shall be expended for the Public Schools Educational Support Program for the period July 1, 2021, through June 30, 2022:

FROM:

General Fund	\$27,519,300
Federal Grant Fund	<u>74,000,000</u>
TOTAL	\$101,519,300

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

Approved March 7, 2022

CHAPTER 18  
(H.B. No. 507)

AN ACT

RELATING TO FISH AND GAME; AMENDING CHAPTER 11, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-1101A, IDAHO CODE, TO AUTHORIZE THE USE OF CERTAIN ARCHERY EQUIPMENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 11, Title 36, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 36-1101A, Idaho Code, and to read as follows:

36-1101A. ARCHERY EQUIPMENT. Notwithstanding any other provision of this title, during any archery season, licensed hunters may employ the use of lighted nocks and mechanical broadheads in the taking of wildlife as authorized by their license.

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, 2022.

Approved March 7, 2022

CHAPTER 19  
(H.B. No. 480)

AN ACT

RELATING TO USE TAXES; AMENDING SECTION 63-3621, IDAHO CODE, TO CLARIFY TERMINOLOGY; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3621, Idaho Code, be, and the same is hereby amended to read as follows:

63-3621. IMPOSITION AND RATE OF THE USE TAX -- EXEMPTIONS. (1) An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property acquired on or after October 1, 2006, for storage, use, or other consumption in this state at the rate of six percent (6%) of the value of the property, and a recent sales price shall be presumptive evidence of the value of the property unless the property is wireless telecommunications equipment, in which case a recent sales price shall be conclusive evidence of the value of the property.

(2) Every person storing, using, or otherwise consuming, in this state, tangible personal property is liable for the tax. His liability is not extinguished until the tax has been paid to this state except that a receipt from a retailer maintaining a place of business in this state or engaged in business in this state given to the purchaser is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers. A retailer shall not be considered to have stored, used, or consumed wireless telecommunications equipment by virtue of giving, selling, or other-

wise transferring such equipment at a discount as an inducement to a consumer to commence or continue a contract for telecommunications service.

(3) Every retailer engaged in business in this state and making sales of tangible personal property for the storage, use, or other consumption in this state, not exempted under section 63-3622, Idaho Code, shall, at the time of making the sales or, if storage, use, or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use, or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the state tax commission.

(4) The provisions of this section shall not apply when the retailer pays sales tax on the transaction and collects reimbursement for such sales tax from the customer.

(5) Every retailer engaged in business in this state or maintaining a place of business in this state shall register with the state tax commission and give the name and address of all agents operating in this state the location of all distributions or sales houses or offices or other places of business in this state and such other information as the state tax commission may require.

(6) For the purpose of the proper administration of this act and to prevent evasion of the use tax and the duty to collect the use tax, it shall be presumed that tangible personal property sold by any person for delivery in this state is sold for storage, use, or other consumption in this state. The burden of proving the sale is tax-exempt is upon the person who makes the sale unless he obtains from the purchaser a resale certificate to the effect that the property is purchased for resale or rental. It shall be presumed that sales made to a person who has completed a resale certificate for the seller's records are not taxable and the seller need not collect sales or use taxes unless the tangible personal property purchased is taxable to the purchaser as a matter of law in the particular instance claimed on the resale certificate.

(a) A seller may accept a resale certificate from a purchaser prior to the time of sale, at the time of sale, or at any reasonable time after the sale when necessary to establish the privilege of the exemption. The resale certificate relieves the person selling the property from the burden of proof only if taken from a person who is engaged in the business of selling or renting tangible personal property and who holds the permit provided for by section 63-3620, Idaho Code, or who is a retailer not engaged in business in this state and who, at the time of purchasing the tangible personal property, intends to sell or rent it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose. Other than as provided elsewhere in this section, when a resale certificate, properly executed, is presented to the seller, the seller has no duty or obligation to collect sales or use taxes in regard to any sales transaction so documented, regardless of whether the purchaser properly or improperly claimed an exemption. A seller so relieved of the obligation to collect tax is also relieved of any liability to the purchaser for failure to collect tax or for making any report or disclosure of information required or permitted under this chapter.

(b) The resale certificate shall bear the name and address of the purchaser, shall be signed by the purchaser or his agent, shall indicate the number of the permit issued to the purchaser or that the purchaser is an out-of-state retailer, and shall indicate the general character of the tangible personal property sold by the purchaser in the regular course of business. The certificate shall be substantially in such form as the state tax commission may prescribe.

(c) If a purchaser who gives a resale certificate makes any storage or use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the storage or use is taxable as of the time the property is first so stored or used.

(7) Any person violating any provision of this section is guilty of a misdemeanor and punishable by a fine not in excess of one hundred dollars (\$100), and each violation shall constitute a separate offense.

(8) It shall be presumed that tangible personal property shipped or brought to this state by the purchaser was purchased from a retailer for storage, use, or other consumption in this state.

(9) It shall be presumed that tangible personal property delivered outside this state to a purchaser known by the retailer to be a resident of this state was purchased from a retailer for storage, use, or other consumption in this state. This presumption may be controverted by evidence satisfactory to the state tax commission that the property was not purchased for storage, use, or other consumption in this state.

(10) When the tangible personal property subject to use tax has been subjected to a general retail sales or use tax by another state of the United States in an amount equal to or greater than the amount of the Idaho tax, and evidence can be given of such payment, the property will not be subject to Idaho use tax. If the amount paid the other state was less, the property will be subject to use tax to the extent that the Idaho tax exceeds the tax paid to the other state. For the purposes of this subsection, a registration certificate or title issued by another state or subdivision thereof for a vehicle or trailer or a vessel as defined in section 67-7003, Idaho Code, shall be sufficient evidence of payment of a general retail sales or use tax.

(11) The use tax imposed by this section shall not apply to the use by a nonresident of this state of a motor vehicle registered or licensed under the laws of the state of his residence and not used in this state more than a cumulative period of time totaling ninety (90) days in any consecutive twelve

(12) months and if none of the buyers listed on the purchase, registration, or title documents are Idaho residents. A nonresident business entity will be held to the same requirements as a nonresident individual to qualify for the exemption provided in this subsection, except that the nonresident business entity also must not be formed under the laws of the state of Idaho. The use tax herein shall also not apply to any use of a motor vehicle registered or licensed under the laws of the state of residence of a nonresident student while such nonresident student is enrolled as a full-time student in an institution of postsecondary education that is both physically located in Idaho and recognized as accredited by the state board of education.

(12) The use tax imposed by this section shall not apply to the use of household goods, personal effects and personally owned vehicles or personally owned aircraft by a resident of this state if such articles were acquired by such person in another state while a resident of that state and primarily for use outside this state and if such use was actual and substantial, but if an article was acquired less than three (3) months prior to the time he entered this state, it will be presumed that the article was acquired for use in this state and that its use outside this state was not actual and substantial. The use tax imposed by this section shall not apply to the use of household goods, personal effects, and personally owned vehicles or personally owned aircraft by active duty military personnel temporarily assigned in this state and spouses who accompany them if such articles were acquired prior to receipt of orders to transfer to Idaho or three (3) months prior to moving to Idaho, whichever time period is shorter. For purposes of this subsection, "resident" shall be as defined in section 63-3013 or 63-3013A, Idaho Code. For purposes of this subsection, wherever the term "individual" appears in section 63-3013 or 63-3013A, Idaho Code, the term includes a natural person or a grantor trust as described in sections 673 through 678 of the Internal Revenue Code.

(13) (a) The use tax imposed by this section shall not apply to the storage, use, or other consumption of tangible personal property that is or will be incorporated into real property and has been donated to and has become the property of:

- (i) A nonprofit organization as defined in section 63-36220, Idaho Code;
- (ii) The state of Idaho; or
- (iii) Any political subdivision of the state.

(b) This exemption applies whether the tangible personal property is incorporated in real property by the donee, a contractor, or subcontractor of the donee, or any other person.

(14) The use tax imposed by this section shall not apply to tastings of food and beverages, including but not limited to wine and beer. For the purposes of this subsection, a tasting of wine and beer shall be defined as the maximum serving allowed by state or federal laws for such occasions provided to a potential customer, at no charge, at a location where like or similar beverages are sold. For nonalcoholic beverages and food, a tasting shall be defined as a sample from a unit available for sale at the tasting location.

(15) The use tax imposed by this section shall not apply to donations of food or beverages, or both, to individuals or nonprofit organizations. For the purposes of this section, "nonprofit organization" means those nonprofit entities currently registered with the secretary of state pursuant to section 30-30-102, Idaho Code.

(16) The use tax imposed by this section shall not apply to a retailer supplying prepared food or beverages free of charge to its employee when that retailer sells prepared food or beverages in its normal course of business.

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

Approved March 7, 2022



CHAPTER 20  
(H.B. No. 453)

## AN ACT

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-511, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DIVERSION PROCESS AND TO REMOVE PROVISIONS REGARDING INFORMAL DISPOSITION OF A PETITION; AMENDING SECTION 20-520, IDAHO CODE, TO PROVIDE FOR AN INFORMAL ADJUSTMENT FOR A JUVENILE OFFENDER, TO PROVIDE CERTAIN REQUIREMENTS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-525A, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-532, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 20-511, Idaho Code, be, and the same is hereby amended to read as follows:

20-511. ~~DIVERSION OR INFORMAL DISPOSITION OF THE PETITION.~~ (1) Prior to the filing of any petition under this act, the prosecuting attorney may use the diversion process and refer the case directly to the county probation officer or a community-based diversion program for informal supervision and counseling. ~~T~~he prosecuting attorney may request a preliminary inquiry from the county probation officer, aided by use of a validated screening tool, to determine whether the interest of the public or the juvenile requires a formal court proceeding rather than diversion. ~~If court action is not required, the prosecuting attorney may utilize the diversion process and refer the case directly to the county probation officer or a community-based diversion program for informal probation and counseling.~~ If the diversion process is utilized pursuant to this subsection, then statements made by a juvenile in a diversion proceeding shall be inadmissible at an adjudicative proceeding on the underlying charge as substantive evidence of guilt. If community service is going to be utilized pursuant to this subsection, the prosecuting attorney shall collect a fee of sixty cents (60¢) per hour for each hour of community service work the juvenile is going to perform and remit the fee to the state insurance fund for the purpose of securing worker's compensation insurance for the juvenile offender performing community service. However, if a county is self-insured and provides worker's compensation insurance for persons performing community service pursuant to the provisions of this chapter, then remittance to the state insurance fund is not required.

(2) ~~After the petition has been filed and where the juvenile offender admits to the allegations contained in the petition, the court may decide to make an informal adjustment of the petition. Informal adjustment includes, but is not limited to:~~

- ~~(a) Reprimand of the juvenile offender;~~
- ~~(b) Informal supervision with the probation department;~~
- ~~(c) Community service work;~~
- ~~(d) Restitution to the victim;~~
- ~~(e) Participation in a community-based diversion program.~~

~~(3) The court shall dismiss the case if:~~

- ~~(a) An informal adjustment has been granted and the juvenile offender has satisfied the terms or conditions of the informal adjustment;~~
- ~~(b) The court is convinced by the showing made that there is no longer cause for continuing the period of informal adjustment; and~~
- ~~(c) It is compatible with the public interest.~~

(4) Information uniquely identifying the juvenile offender, the offense, and the type of program utilized shall be forwarded to the department. This information shall be maintained by the department in a statewide juvenile offender information system. Access to the information shall be controlled by the department, subject to the provisions of section 74-113, Idaho Code.

~~(5) Such informal adjustment of the petition shall be conducted in the manner prescribed by the Idaho juvenile rules. When an informal adjustment is made pursuant to this section and the juvenile offender is to perform community service work, the court shall assess the juvenile offender a fee of sixty cents (60¢) per hour for each hour of community service work the juvenile offender is to perform. This fee shall be remitted by the court to the state insurance fund for the purpose of securing worker's compensation insurance for the juvenile offender performing community service. However, if a county is self-insured and provides worker's compensation insurance for persons performing community service pursuant to the provisions of this chapter, then remittance to the state insurance fund is not required.~~

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

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

(a) Place the juvenile offender on an informal adjustment of the petition for a period not to exceed three (3) years from the date of the order.

(i) Informal adjustments may be ordered for any case filed under this chapter, upon such terms and conditions as the court may deem just and appropriate under the circumstances, and not be limited by the nature of the charge. Informal adjustments may include but are not limited to:

1. Reprimand of the juvenile offender;
2. Supervision with the probation department;
3. Community service work; and
4. Restitution to the victim.

(ii) The court shall dismiss the case if:

1. An informal adjustment has been granted and the juvenile offender has satisfied the terms or conditions of the informal adjustment;
2. The court is convinced by the showing made that there is no longer cause for continuing the period of informal adjustment; and
3. It is compatible with the public interest.

(iii) If the court, after hearing and notice, finds that a juvenile has violated the informal adjustment, the court may impose any sentence available to the court pursuant to this chapter.

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

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

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

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

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

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

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

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

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

(ij) The court may order that the county probation office authorize a comprehensive substance abuse assessment of the juvenile offender. After receiving the comprehensive substance abuse assessment, and upon a finding by the court that treatment will provide a cost-effective

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

(~~jk~~) In support of an order under the provisions of this section, the court may make an additional order setting forth reasonable conditions to be complied with by the parents, the juvenile offender, his legal guardian or custodian, or any other person who has been made a party to the proceedings, including, but not limited to, restrictions on visitation by the parents or one (1) parent, restrictions on the juvenile offender's associates, occupation and other activities, and requirements to be observed by the parents, guardian or custodian;

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

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

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

(~~no~~) Order the case and all documents and records connected therewith transferred to the magistrate division of the district court for the county where the juvenile offender and/or parents reside if different than the county where the juvenile offender was charged and found to have committed the unlawful or criminal act, for the entry of a dispositional order;

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

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

(~~qr~~) Additionally, the court shall assess a fee of sixty cents (60¢) per hour of community service against the juvenile offender for every petition filed where there has been an adjudication that the juvenile offender is within the purview of this chapter and the court is ordering community service. Such fee is to be remitted by the court to the state insurance fund for purposes of providing worker's compensation insurance for persons performing community service pursuant to this chapter. However, if a county is self-insured and provides worker's compensation insurance for persons performing community service pursuant to the pro-

visions of this chapter, then remittance to the state insurance fund is not required;

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

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

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

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

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

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

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

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

SECTION 3. That Section 20-525A, Idaho Code, be, and the same is hereby amended to read as follows:

20-525A. EXPUNGEMENT OF RECORD -- HEARING -- FINDINGS NECESSARY -- SPECIAL INDEX -- EFFECT OF ORDER. (1) Any person who has been adjudicated in a case under this act and found to be within the purview of the act for having committed a felony offense or having been committed to the department of juvenile corrections may, after the expiration of five (5) years from the date of termination of the continuing jurisdiction of the court, or, in case the juvenile offender was committed to the juvenile correctional center, five (5) years from the date of his release from the juvenile correctional center, or after reaching age eighteen (18) years, whichever occurs last, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and of the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(2) Any person who has been adjudicated in a case under this act and found to be within the purview of the act for having committed misdemeanor or status offenses only and not having been committed to the department of juvenile corrections may, after the expiration of one (1) year from the date of termination of the continuing jurisdiction of the court or after reaching age eighteen (18) years, whichever occurs later, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(3) In any case where the prosecuting attorney has elected to utilize the diversion process or the court orders an informal adjustment pursuant to section 20-511, Idaho Code, the person may, after the expiration of one (1) year from the date of termination of the continuing jurisdiction of the court or after reaching age eighteen (18) years, whichever occurs later, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(4) The court may not expunge a conviction for any of the following crimes from a juvenile offender's record:

- (a) Administering poison with intent to kill (18-4014, Idaho Code);
- (b) Aggravated battery (18-907, Idaho Code);
- (c) Armed robbery (chapter 65, title 18, Idaho Code);
- (d) Arson (chapter 8, title 18, Idaho Code);
- (e) Assault with intent to commit a serious felony (18-909, Idaho Code);
- (f) Assault with intent to murder (18-4015, Idaho Code);
- (g) Assault or battery upon certain personnel, felony (18-915, Idaho Code);
- (h) Forcible sexual penetration by use of a foreign object (18-6608, Idaho Code);
- (i) Infamous crime against nature, committed by force or violence (18-6605, Idaho Code);
- (j) Injury to child, felony (18-1501, Idaho Code);

- (k) Kidnapping (18-4501, Idaho Code) ;
- (l) Murder of any degree (18-4001 and 18-4003, Idaho Code) ;
- (m) Rape, excluding statutory rape (18-6101, Idaho Code) ;
- (n) Ritualized abuse of a child (18-1506A, Idaho Code) ;
- (o) Sexual exploitation of a child (18-1507, Idaho Code) ;
- (p) Unlawful use of destructive device or bomb (18-3320, Idaho Code) ;
- (q) Voluntary manslaughter (18-4006 1., Idaho Code) ;
- (r) A violation of the provisions of section 37-2732(a) (1) (A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds which were, at the time of the violation, being used for an activity sponsored by or through such a school ;
- (s) A violation of the provisions of section 37-2732B, Idaho Code, related to drug trafficking or manufacturing of illegal drugs.

(5) If the court finds after hearing that the petitioner has not been adjudicated as a juvenile offender for any of the crimes identified in subsection (4) of this section, and has not been convicted of a felony, or of a misdemeanor wherein violence toward another person was attempted or committed since the termination of the court's jurisdiction or his release from the juvenile correctional center, and that no proceeding involving such felony or misdemeanor is pending or being instituted against him, and if the court further finds to its satisfaction that the petitioner has been held accountable, is developing life skills necessary to become a contributing member of the community and that the expungement of the petitioner's record will not compromise public safety, it shall order all records in the petitioner's case in the custody of the court and all such records, including law enforcement investigatory reports and fingerprint records, in the custody of any other agency or official sealed; and shall further order all references to said adjudication, diversion or informal adjustment removed from all indices and from all other records available to the public. However, a special index of the expungement proceedings and records shall be kept by the court ordering expungement, which index shall not be available to the public and shall be revealed only upon order of a court of competent jurisdiction. Copies of the order shall be sent to each agency or official named in the order. Upon the entry of the order, the proceedings in the petitioner's case shall be deemed never to have occurred and the petitioner may properly reply accordingly upon any inquiry in the matter. Inspection of the records may thereafter be permitted only by the court upon petition by the person who is the subject of the records, or by any other court of competent jurisdiction, and only to persons named in the petition.

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

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

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, 2022.

CHAPTER 21  
(H.B. No. 542)

AN ACT

RELATING TO DISTRICT COURT FEES; AMENDING SECTION 31-3201, IDAHO CODE, TO REVISE A DEADLINE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3201A, IDAHO CODE, TO REVISE DEADLINES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 31-3201, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201. CLERK OF DISTRICT COURT -- FEES. (1) The clerk of the district court shall lawfully charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law:

- For filing and docketing abstract or transcript of judgment from another court ..... \$2.00
- For issuing execution upon an abstract or transcript of judgment and filing same on return ..... \$2.00
- For recording execution issued upon abstract or transcript of judgment, per page ..... \$2.00
- For taking affidavits, including jurat ..... \$1.00
- For taking acknowledgments, including seal ..... \$1.00
- For filing and indexing designation of agent of foreign corporation ...  
..... \$2.00
- For filing and indexing notarial statement ..... \$2.00
- For making copy of any file or record, ~~by the clerk, the clerk shall charge and receive,~~ per page ..... \$1.00
- For comparing and conforming a prepared copy of any file or record, ~~the clerk shall charge and receive,~~ per page ..... \$ .50
- For certifying the same an additional fee for certificate and seal .....  
..... \$1.00

For all services not herein enumerated, and of him lawfully required, the clerk of the district court shall demand and receive such fees as are herein allowed for similar services.

(2) All fees collected under the provisions of this section shall be paid over to the county treasurer, at the same time and in the same manner as other fees.

(3) In addition to all other fines, forfeitures and costs levied by the court, the clerk of the district court shall collect ten dollars (\$10.00) as an administrative surcharge fee on each criminal case, including an infraction under section 18-8001 or 49-301, Idaho Code, a first-time infraction under section 23-604 or 23-949, Idaho Code, and five dollars (\$5.00) on other infractions to be paid over to the county treasurer at the same time and in the same manner as other fees, for the support of the county justice fund, or the current expense fund if no county justice fund has been established, and shall collect ten dollars (\$10.00) as an administrative surcharge fee on each civil case, including each appeal, to be paid over to the county treasurer for the support of the county court facilities fund, or to the district court fund if no county court facilities fund has been established.

(4) Provided further, an additional handling fee of two dollars (\$2.00) shall be imposed on each monthly installment of criminal or infraction fines, forfeitures, and other costs paid on a monthly basis.



(5) Provided further, in addition to all other fines, forfeitures and costs levied by the court, the clerk of the district court shall collect ten dollars (\$10.00) as a court technology fee on each criminal and infraction offense to be paid over to the county treasurer, who shall, within ~~five~~ fifteen (15) days after the end of the month, pay such fee to the state treasurer for deposit into the court technology fund.

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

31-3201A. COURT FEES. The clerk of the district court in addition to the fees and charges imposed by chapter 20, title 1, Idaho Code, and by section 31-3201, Idaho Code, and in addition to the fee levied by chapter 2, title 73, Idaho Code, shall charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law:

(1) Civil cases. A fee of one hundred seventy-five dollars (\$175) for filing a civil case of any type in the district court, except for those cases to be assigned to the magistrate division of the district court for which the fee shall be one hundred twenty dollars (\$120), with the following exceptions:

- (a) The fee for small claims shall be as provided in section 1-2303, Idaho Code;
- (b) No filing fee shall be charged in the following types of cases:
  - (i) Cases brought under chapter 3, title 66, Idaho Code, for commitment of mentally ill persons;
  - (ii) Cases brought under the juvenile corrections act;
  - (iii) Cases brought under the child protective act;
  - (iv) Demands for bond before a personal representative is appointed in probate;
  - (v) Petitions for sterilization;
  - (vi) Petitions for judicial consent to abortion;
  - (vii) Registration of trusts and renunciations;
  - (viii) Petitions for leave to compromise the disputed claim of a minor;
  - (ix) Petitions for a civil protection order or to enforce a foreign civil protection order pursuant to chapter 63, title 39, Idaho Code;
  - (x) Objections to the appointment of a guardian filed by a minor or an incapacitated person;
  - (xi) Proceedings to suspend a license for nonpayment of child support pursuant to section 7-1405, Idaho Code;
  - (xii) Proceedings under the uniform post-conviction procedure act as provided in chapter 49, title 19, Idaho Code;
  - (xiii) Filings of a custody decree from another state; and
  - (xiv) Filings of any answer after an initial appearance fee has been paid.

The filing fee shall be distributed as follows: twenty-three dollars (\$23.00) of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county, with six dollars (\$6.00) of such twenty-three dollars (\$23.00) dedicated to provide for the suitable and adequate quarters of the magistrate's division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies and other expenses of the magistrate's division; one dollar (\$1.00) of such filing fee shall be paid to the peace officers standards and training fund established in section 19-5116, Idaho Code; one hundred thirty-five dollars (\$135) of such filing fee, or in a case assigned to the magistrate division of the district court eighty dollars (\$80.00) of such filing fee, shall be paid to the county treasurer who shall, within ~~five~~ fifteen (15) days after

the end of the month, pay such fees to the state treasurer for deposit into the court technology fund; ten dollars (\$10.00) of such filing fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; and six dollars (\$6.00) of such filing fee shall be paid to the county treasurer, who shall, within ~~five~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(2) Felonies and misdemeanors. A fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in advance, by each person found guilty of any felony or misdemeanor, except when the court orders such fee waived because the person is indigent and unable to pay such fee. Eleven dollars (\$11.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county, with six dollars (\$6.00) of such eleven dollars (\$11.00) dedicated to provide for the suitable and adequate quarters of the magistrate's division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies and other expenses of the magistrate's division; one dollar (\$1.00) of such filing fee shall be paid to the peace officers standards and training fund established in section 19-5116, Idaho Code; and five dollars and fifty cents (\$5.50) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section.

(3) Infractions. A fee of sixteen dollars and fifty cents (\$16.50) shall be paid, but not in advance, by each person found to have committed an infraction or any minor traffic, conservation or ordinance violation, and a fee of seventeen dollars and fifty cents (\$17.50) shall be paid, but not in advance, by each person found to have committed an infraction under section 18-8001 or 49-301, Idaho Code, or a first-time infraction under section 23-604 or 23-949, Idaho Code, and distributed pursuant to subsection (2) of this section; provided that the judge or magistrate may in his or her discretion consolidate separate nonmoving traffic offenses into one (1) offense for purposes of assessing such fee. Eleven dollars (\$11.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county, with six dollars (\$6.00) of such eleven dollars (\$11.00) dedicated to provide for the suitable and adequate quarters of the magistrate's division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies and other expenses of the magistrate's division; one dollar (\$1.00) of such filing fee shall be paid to the peace officers standards and training fund established in section 19-5116, Idaho Code; and four dollars and fifty cents (\$4.50) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section.

(4) Initial appearance other than plaintiff. A fee of one hundred dollars (\$100) shall be paid for any filing constituting the initial appearance by a party, except the plaintiff, in any civil action in the district court or in the magistrate division of the district court, except small claims. If two (2) or more parties are making their initial appearance in the same filing, then only one (1) filing fee shall be collected. Of such fee, four dollars (\$4.00) shall be paid to the county treasurer for deposit in the district court fund of the county; eighty dollars (\$80.00) of such fee shall be paid to the county treasurer, who shall, within ~~five~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund; ten dollars (\$10.00) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; and six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall,

within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(5) Accountings. A fee of nine dollars (\$9.00) shall be paid by the person or persons required to make an account pursuant to title 15, Idaho Code, at the time such account is filed. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(6) Distribution of estate. A fee of twenty-five dollars (\$25.00) shall be paid upon the filing of a petition of the executor or administrator or of any person interested in an estate for the distribution of such estate, six dollars (\$6.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; thirteen dollars (\$13.00) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; and six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(7) Third-party claim. A fee of fourteen dollars (\$14.00) shall be paid by a party filing a third-party claim as defined in the Idaho rules of civil procedure. Eight dollars (\$8.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(8) Cross-claims. A fee of fourteen dollars (\$14.00) shall be paid by any party filing a cross-claim. Eight dollars (\$8.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be paid by a party initiating a change of venue. Such fee shall be paid to the clerk of the court of the county to which venue is changed. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer, who shall, within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(10) Reopening a case.

(a) A fee of eighty-five dollars (\$85.00) shall be paid by any party appearing after judgment or applying to reopen a case. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and seventy dollars (\$70.00) of such fee shall be paid to the county treasurer, who shall, within ~~five (5)~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(b) A fee of one hundred eight dollars (\$108) shall be paid by a party applying to reopen a divorce action or modify a divorce decree, with seventeen dollars (\$17.00) of the fee to be paid to the county treasurer for deposit in the district court fund of the county; fifteen dollars (\$15.00) of such fee to be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (15) of this section; six dollars (\$6.00) of such fee to be paid to the county treasurer, who shall, within ~~five (5)~~ fifteen (15) days after

the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and seventy dollars (\$70.00) of such fee shall be paid to the county treasurer, who shall, within ~~five~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(c) When the application to reopen a case consists only of a motion or other pleading to revive or renew a judgment, a fee of twenty-nine dollars (\$29.00) shall be paid by the party filing the motion or pleading. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer, who shall, within ~~five~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(11) Appeal to district court. A fee of thirty-five dollars (\$35.00) shall be paid by a party taking an appeal from the magistrate division of the district court to the district court; nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within ~~five~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer, who shall, within ~~five~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund. No additional fee shall be required if a new trial is granted.

(12) Appeal to supreme court. A fee of thirty-five dollars (\$35.00) shall be paid by the party taking an appeal from the district court to the supreme court for comparing and certifying the transcript on appeal, if such certificate is required. Nine dollars (\$9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) of such fee shall be paid to the county treasurer, who shall, within ~~five~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund; and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer, who shall, within ~~five~~ fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

(13) Fees not covered by this section, including fees to defray the costs of electronic access to court records other than the register of actions, shall be set by rule or administrative order of the supreme court.

(14) All fees required to be paid by this section or by rule or administrative order of the supreme court shall be collected by the clerk of the district court or by a person appointed by the clerk of the district court for this purpose. If it appears that there is a necessity for such fees to be collected by persons other than the clerk of the district court or a person designated by the clerk for such purpose, the supreme court by rule or administrative order may provide for the designation of persons authorized to receive such fees. Persons so designated shall account for such fees in the same manner required of the clerk of the district court and shall pay such fees to the clerk of the district court of the county in which such fees are collected.

(15) That portion of the filing fees required to be remitted to the state treasurer for deposit pursuant to subsections (1), (2), (3), (4), (6) and (10) of this section shall be apportioned eighty-six percent (86%) to the state general fund and fourteen percent (14%) to the peace officers standards and training fund authorized in section 19-5116, Idaho Code, within ~~five~~ fifteen (15) days after the end of the month in which such fees were remitted to the county treasurer. That portion of the filing fees required to be remitted to a city treasurer for deposit in the city's general fund

shall be remitted within ~~five (5)~~ fifteen (15) days after the end of the month in which such fees were remitted to the county treasurer.

(16) Of the fees derived from the filing of any divorce action required to be transmitted to the state treasurer, the county treasurer shall retain five dollars (\$5.00), which shall be separately identified and deposited in the district court fund of the county. Such moneys shall be used exclusively for the purpose of establishing a uniform system of qualifying and approving persons, agencies or organizations to conduct evaluations of persons convicted of domestic assault or battery as provided in section 18-918, Idaho Code, and the administration of section 18-918(7), Idaho Code, relating to the evaluation and counseling or other treatment of such persons, including the payment of the costs of evaluating and counseling or other treatment of an indigent defendant. No provision of chapter 52, title 39, Idaho Code, shall apply to the moneys provided for in this subsection.

(17) In consideration of the fees in this section, the clerk of the district court shall be required to perform all lawful service that may be required of him by any party thereto; provided, that he shall not prepare and furnish any certified copy of any file or record in an action, except printed transcript on appeal, without additional compensation as provided by law.

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, 2022.

Approved March 7, 2022

CHAPTER 22  
(H.B. No. 446)

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2701, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 37-2705, IDAHO CODE, TO PROVIDE THAT CERTAIN NABIXIMOLS SHALL NOT BE CONSIDERED SCHEDULE I CONTROLLED SUBSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. 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 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) "Division" means the Idaho division of occupational and professional licenses.

(n) "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.

(o) "Drug paraphernalia" means all equipment, products and materials of any kind 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 that 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.

(p) "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.

(q) "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.

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

(s) "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.

(t) "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.

(u) "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. "Marijuana" does not include drug product in finished dosage formulation that has been approved by the United States food and drug administration that contains: (i) cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than one-tenth of one percent (0.1%) (w/w) residual tetrahydrocannabinols; or (ii) nabiximols.

(v) "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 that 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.

(w) "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.

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

(y) "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 an 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.

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

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

(bb) "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 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 administer a controlled substance in the course of its professional practice or research in this state.

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

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

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

(ff) "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.

(gg) "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.

(hh) "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.

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

SECTION 2. 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-piperidiny]-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) Difenoxin;
- (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) Levophenacilmorphan;
- (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 that 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 subsection 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-aminoethyl) 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, or nabiximols in a drug product approved by the United States food and drug administration:

a.  $\Delta^1$  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.  $\Delta^6$  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-tetraethylcyclopropyl)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-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (MDMB-CHMICA).

k. Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (MDMB-FUBINACA).

- l. Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (5F-MDMBPICA).
- m. Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (5F-ADB, 5FMDMB-PINACA).
- n. Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5FAMB).
- o. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (ADB-FUBINACA).
- p. N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (FUB-AKB48; FUB-APINACA).
- q. N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-APINACA, 5F-AKB48).
- r. Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201; CBL2201).
- s. 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.
- t. 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.
- u. 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.
- v. 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.
- w. 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.
- x. [2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrol-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (WIN-55,212-2).
- y. 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (HU-243).
- z. [(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 ner-

vous 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 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, 2022.

Approved March 7, 2022



CHAPTER 23  
(H.B. No. 451)

AN ACT

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-502, IDAHO CODE, TO DEFINE A TERM AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-532, IDAHO CODE, TO PROVIDE THAT A JUVENILE OFFENDER SHALL APPEAR BEFORE THE CUSTODY REVIEW BOARD IN CERTAIN INSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-1202, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 20-502, Idaho Code, be, and the same is hereby amended to read as follows:

20-502. DEFINITIONS. When used in this chapter, unless the context otherwise requires:

- (1) "Adult" means a person eighteen (18) years of age or older.
- (2) "Assessment" means a comprehensive and individualized examination of the mental health, substance use, or other needs for a juvenile that typically results in treatment interventions and recommendations.
- (3) "Commit" means to transfer legal custody.
- (4) "Community-based program" means an in-home confinement program or a nonsecure or staff-secure residential or nonresidential program operated to supervise and provide competency development to juvenile offenders in the least restrictive setting, consistent with public safety, operated by the state or under contract with the state or by the county.
- (5) "Court" means any district court within the state of Idaho or magistrate division thereof.
- (6) "Custody review board" means the board created and authorized by law to review cases of juveniles in custody of the department.
- (7) "Department" means the state department of juvenile corrections.
- (78) "Detention" means the temporary placement of juvenile offenders who require secure custody for their own or the community's protection in physically restricting facilities.
- (89) "Director" means the director of the department of juvenile corrections.
- (910) "Diversion" means an alternative to formal prosecution of a juvenile offense. Diversion describes intervention approaches that redirect juveniles away from formal court processing in the juvenile justice system while applying the principles of the balanced approach and restorative justice. Diversion strategies take place at arrest, referral, intake, or prior to or after the filing of a petition and should provide the same array of services as formal court processing, except for detention. Diversion may be appropriate for low-risk or moderate-risk offenders as informed by results of a valid screening instrument.
- (101) "Judge" means a district judge or a magistrate.
- (112) "Juvenile" means a person less than eighteen (18) years of age or who was less than eighteen (18) years of age at the time of any alleged act, omission or status.
- (123) "Juvenile correctional center" means any state-operated residential facility or facility operated pursuant to a contract with the state that provides twenty-four (24) hour supervision and confinement for juvenile offenders committed to the custody of the department.

(134) "Juvenile detention center" means a secure facility established pursuant to sections 20-517 and 20-518, Idaho Code, and in compliance with IDAPA 05.01.02.

(145) "Juvenile offender" means a person under the age of eighteen (18) years at the time of any act, omission or status and who has been adjudicated as being within the purview of this chapter.

(156) "Legal custody" means the relationship created by the court's decree that imposes upon the custodian responsibilities of physical possession of the juvenile offender, the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care.

(167) "Legal guardian" means a person appointed as guardian of a minor under the laws of Idaho. For the purposes of this chapter, legal guardian does not include and shall not be construed to include the owner, or operator or the agent of an owner or operator of a detention center, observation and assessment center, secure facility, residential facility or other facility having temporary or long-term physical custody of the juvenile offender.

(178) "Observation and assessment program" means any state-operated or purchased service program responsible for temporary custody of juvenile offenders for observation and assessment.

(189) "Screening" means a brief process, typically using a validated tool to identify juveniles who warrant immediate attention, intervention, or a more comprehensive assessment. Screening tools help guide and identify juveniles who might be appropriate for diversion or who need comprehensive mental health or substance use assessments.

(1920) "Secure facility" means any architecturally secure residential facility that provides twenty-four (24) hour supervision and confinement for juvenile offenders committed to the custody of the department.

(201) "Staff-secure facility" means a nonarchitecturally secure residential facility with awake staff twenty-four (24) hours a day, seven (7) days a week for intensive supervision of juvenile offenders.

(212) "Validated risk/needs assessment" means a validated instrument that measures a juvenile's criminal risk factors and specific needs that, if addressed, should reduce the juvenile's likelihood to reoffend.

(223) "Work program" means a public service work project that employs juvenile offenders at a reasonable wage for the purpose of reimbursing victims of the juvenile offender's delinquent behavior.

SECTION 2. That Section 20-532, Idaho Code, be, and the same is hereby amended to read as follows:

20-532. TERM OF COMMITMENT -- REVIEW AFTER COMMITMENT. (1) A juvenile offender committed to a secure facility shall remain until the juvenile offender:

(a) Reaches nineteen (19) years of age;

(b) Is retained for extended custody pursuant to section 20-520(1)(s), Idaho Code; or

(c) Is released or discharged.

(2) A juvenile offender committed to a secure facility shall appear before the department within ninety (90) days after commitment for review of treatment plans. Additionally, the juvenile offender shall appear before the custody review board prior to eighteen (18) consecutive months in custody, and every six (6) months thereafter, to review his continued custody with the department.

SECTION 3. That Section 39-1202, Idaho Code, be, and the same is hereby amended to read as follows:

39-1202. DEFINITIONS. For the purposes of this chapter:

- (1) "Board" means the Idaho board of health and welfare.
- (2) "Child care" means that care, control, supervision or maintenance of children for twenty-four (24) hours a day which is provided as an alternative to parental care.
- (3) "Child" means an individual less than eighteen (18) years of age who is not enrolled in an institution of higher education.
- (4) "Children's agency" means a person who operates a business for the placement of children in foster homes or for adoption in a permanent home and who does not provide child care as part of that business. Children's agency does not include a licensed attorney or physician assisting or providing natural and adoptive parents with legal services or medical services necessary to initiate and complete adoptive placements.
- (5) "Children's camp" means a program of child care at a location away from the child's home which that is primarily recreational and includes the overnight accommodation of the child and is not intended to provide treatment, therapy or rehabilitation for the child.
- (6) "Children's institution" means a person who operates a residential facility for children not related to that person if that person is an individual, for the purpose of providing child care. Children's institutions include, but are not limited to, foster homes, maternity homes, children's therapeutic outdoor programs, or any facilities providing treatment, therapy or rehabilitation for children. Children's institutions do not include:
  - (a) facilities which that provide only daycare as defined in chapter 11, title 39, Idaho Code;
  - (b) facilities and agencies including hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for people with intellectual disabilities licensed pursuant to chapter 13, title 39, Idaho Code;
  - (c) day schools;
  - (d) individuals acting in an advisory capacity, counseling a child in a religious context, and providing no child care associated with the advice; or
  - (e) the occasional or irregular care of a neighbor's, relative's or friend's child or children by a person not ordinarily engaged in child care.
- (7) "Children's residential care facility" means a children's institution, excluding:
  - (a) Foster homes;
  - (b) Residential schools;
  - (c) Children's camps.No facility expressly excluded from the definition of a children's institution is included within the definition of a children's residential care facility.
- (8) "Children's therapeutic outdoor program" is a program which is designed to provide behavioral, substance abuse, or mental health services to minors in an outdoor setting. This does not include children's camps, church camps, or other outdoor programs primarily designed to be educational or recreational, such as Boy Scouts, Girl Scouts, 4-H or sports camps.
- (9) "Continued care" means the ongoing placement of an individual in a foster home, children's residential care facility, or transitional living placement who reaches the age of eighteen (18) years but is less than twenty-one (21) years of age.
- (10) "Day school" means a public, private, parochial or secular facility offering an educational program in which the children leave the facility each day at the conclusion of the academic, vocational or school-supervised activities.
- (11) "Department" means the state department of health and welfare.

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

(13) "Foster care" means child care by a person not related to the child, in lieu of parental care, in a foster home.

(14) "Foster home" means a home which that accepts, for any period of time, with or without compensation, one (1) or more children who are not related to the foster parent as members of the household for the purpose of providing substitute parental care.

(15) "Group care" means foster care of a number of children for whom child care in a family setting is not available or appropriate, in a dormitory or cottage type setting, characterized by activities and discipline of a more regimented and less formal nature than found in a family setting.

(16) "Juvenile detention" is as defined in section 20-502(78), Idaho Code, of the juvenile corrections act.

(17) "Juvenile detention center" means a facility established pursuant to sections 20-517 and 20-518, Idaho Code.

(18) "Person" includes any individual, group of individuals, association, partnership, limited liability company or corporation.

(19) "Placement" means finding a suitable licensed foster home or suitable adoptive home for a child and completing the arrangements for a child to be accepted into and adjusted to such home.

(20) "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.

(21) "Representative" means an employee of the state department of health and welfare.

(22) "Residential facility" means any facility where child care is provided, as defined in this section, and which that provides day and night accommodation.

(23) "Residential school" means a residential facility for children which that:

(a) Provides a planned, scheduled, regular, academic or vocational school program for students in the elementary, middle or secondary grades as defined in section 33-1001, Idaho Code; and

(b) Provides services substantially comparable to those provided in nonresidential public schools where the primary purpose is the education and academic pursuits of the students; and

(c) Does not seek, receive or enroll students for treatment of such special needs as substance abuse, mental illness, emotional disturbance, developmental disability or intellectual disability; and

(d) Is not:

(i) A college or university; or

(ii) A children's camp as defined in this section; or

(iii) A public or private day school in which the children leave the facility each day at the conclusion of the academic, vocational and school-supervised activities.

(24) "Transitional living" means living arrangements and aftercare services for children, or as continued care, to gain experience living on their own in a supportive and supervised environment prior to emancipation.

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, 2022.

Approved March 7, 2022

CHAPTER 24  
(H.B. No. 452)

AN ACT

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-509, IDAHO CODE, TO REVISE PROVISIONS REGARDING DETENTION OF A JUVENILE IN A JAIL OR LOCKUP FOR ADULTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-518, IDAHO CODE, TO REVISE A PROVISION REGARDING STANDARDS FOR DETENTION, TO PROVIDE A CORRECT RULE REFERENCE, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 20-509, Idaho Code, be, and the same is hereby amended to read as follows:

20-509. VIOLENT OFFENSES, CONTROLLED SUBSTANCES VIOLATIONS NEAR SCHOOLS AND -- OFFENDERS. (1) Any juvenile, age fourteen (14) years to age eighteen (18) years, who is alleged to have committed any of the following crimes or any person under age fourteen (14) years who is alleged to have committed any of the following crimes and, pursuant to section 20-508, Idaho Code, has been ordered by the court to be held for adult criminal proceedings:

- (a) Murder of any degree or attempted murder;
- (b) Robbery;
- (c) Rape as defined in section 18-6101, Idaho Code;
- (d) Forcible sexual penetration by the use of a foreign object;
- (e) Infamous crimes against nature, committed by force or violence;
- (f) Mayhem;
- (g) Assault or battery with the intent to commit any of the above serious felonies provided in this section;
- (h) A violation of the provisions of section 37-2732(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds which that were, at the time of the violation, being used for an activity sponsored by or through such a school;
- (i) Arson in the first degree and aggravated arson;

shall be charged, arrested and proceeded against by complaint, indictment or information as an adult. All other felonies or misdemeanors charged in the complaint, indictment or information, ~~which that~~ are based on the same act or transaction or on one (1) or more acts or transactions as the violent or controlled substances offense shall similarly be charged, arrested and proceeded against as an adult. Any juvenile proceeded against pursuant to this section shall be accorded all constitutional rights, including bail and trial by jury, and procedural safeguards as if that juvenile were an adult defendant.

(2) ~~Once a~~ A juvenile who has been formally charged or indicted pursuant to this section or has been transferred for criminal prosecution as an adult pursuant to the waiver provisions of section 20-508, Idaho Code, or this section, ~~the juvenile shall not be held in a county jail or other adult prison facility lockup for adults unless the a court, after finding good cause, orders otherwise finds, after a hearing and in writing, that it is in the interest of justice.~~

- (a) In determining whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults or have sight or sound contact with adult inmates, a court shall consider:

- (i) The age of the juvenile;
- (ii) The physical and mental maturity of the juvenile;
- (iii) The present mental state of the juvenile, including whether the juvenile presents an imminent risk of self-harm;
- (iv) The nature and circumstances of the alleged offense;
- (v) The juvenile's history of prior delinquent acts;
- (vi) The relative ability of the available adult and juvenile detention facilities not only to meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and
- (vii) Any other relevant factor.

(b) If a court determines pursuant to this subsection that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults:

- (i) The court shall hold a hearing not less frequently than once every thirty (30) days to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight or sound contact; and
- (ii) The juvenile shall not be held in any jail or lockup for adults or permitted to have sight or sound contact with adult inmates for more than one hundred eighty (180) days unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation.

(3) Except as otherwise allowed by subsection (4) of this section, once a juvenile offender has been found to have committed the offense for which the juvenile offender was charged, indicted or transferred pursuant to this section or section 20-508, Idaho Code, or has been found guilty or pled guilty to a lesser offense or amended charge growing out of or included within the original charge, whether or not such lesser offense or amended charge is included within the acts enumerated in subsection (1) of this section, the juvenile offender shall thereafter be handled in every respect as an adult. For any subsequent violation of Idaho law, the juvenile offender shall be handled in every respect as an adult.

(4) Upon the conviction of a juvenile offender pursuant to this section, the sentencing judge may, if a finding is made that adult sentencing measures would be inappropriate:

- (a) Sentence the convicted person in accordance with the juvenile sentencing options set forth in this chapter; or
- (b) Sentence the convicted person to the county jail or to the custody of the state board of correction but suspend the sentence pursuant to section 19-2601A, Idaho Code, and commit the defendant to the dual custody of the department of juvenile corrections and the state board of correction.

SECTION 2. That Section 20-518, Idaho Code, be, and the same is hereby amended to read as follows:

20-518. STANDARDS FOR DETENTION. The following shall be minimum standards for the detention of juveniles provided for in section 20-517, Idaho Code:

(1) Juvenile detention centers must be so constructed and/or maintained as to keep juveniles segregated from adult offenders, with there to be no contact as to sight and/or sound between the two (2) classes. Those juveniles being treated as adult offenders pursuant to section 20-508 or 20-509, Idaho Code, may shall be housed in a juvenile detention center if so unless otherwise ordered by the court. Such juveniles may be housed in the general juvenile population without sight and sound separation if it is determined by the detention administration that the safety and security of the other juveniles would not be at risk.

(2) Juvenile detention centers must provide supervision and observation of juveniles sufficient to protect the physical and mental health of the detainees.

(3) Juveniles held in detention must be provided with at least three (3) adequate and nutritional meals per day.

(4) Juveniles held in detention must have access to reading materials on a regular and systematic basis. Detained juveniles may receive books, newspapers, and periodicals from any source, including delivery to the detention center by family members, subject to the right of detention authorities to inspect and remove dangerous or harmful materials. Detention authorities may forbid the introduction into holding quarters of obscene books or periodicals.

(5) A visiting program shall be established in juvenile detention centers which that will allow for family visits to each juvenile for at least two (2) hours each week.

(6) The juvenile detention center shall meet the standards and rules set forth in IDAPA 05.01.02 and IDAPA 11.11.021.

(7) Notwithstanding any other provision in this chapter, the minimum standards set forth herein shall not apply to any person who attains his or her eighteenth birthday prior to beginning or while in detention. When such person attains his or her eighteenth birthday, he or she shall be transferred from juvenile detention to the county jail.

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, 2022.

Approved March 7, 2022

CHAPTER 25  
(H.B. No. 536)

AN ACT

RELATING TO DIVORCE ACTIONS; AMENDING SECTION 32-715, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 32-715, Idaho Code, be, and the same is hereby amended to read as follows:

32-715. JURISDICTION OF ACTIONS. Exclusive original jurisdiction of all actions and proceedings under this chapter is in the district court, but a judge thereof at chambers may make all necessary orders to carry out the provisions of this chapter; ~~and the~~. The powers and jurisdiction granted district judges by ~~section 1-901~~ shall apply to proceedings under this chapter.

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, 2022.

Approved March 7, 2022

CHAPTER 26  
(H.B. No. 538)

AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING SECTION 18-211, IDAHO CODE, TO REVISE A PROVISION REGARDING THE FILING OF A REPORT OF EXAMINATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-212, IDAHO CODE, TO REVISE A PROVISION REGARDING THE FILING OF A CERTAIN REPORT AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-211, Idaho Code, be, and the same is hereby amended to read as follows:

18-211. EXAMINATION OF DEFENDANT -- APPOINTMENT OF PSYCHIATRISTS AND LICENSED PSYCHOLOGISTS -- HOSPITALIZATION -- REPORT. (1) Whenever there is reason to doubt the defendant's fitness to proceed as set forth in section 18-210, Idaho Code, the court shall appoint at least one (1) qualified psychiatrist or licensed psychologist or shall request the director of the department of health and welfare to designate at least one (1) qualified psychiatrist or licensed psychologist to examine and report upon the mental condition of the defendant to assist counsel with defense or understand the proceedings. The appointed examiner shall also evaluate whether the defendant lacks capacity to make informed decisions about treatment. The costs of examination shall be paid by the defendant if he is financially able. The determination of ability to pay shall be made in accordance with chapter 8, title 19, Idaho Code.

(2) Within three (3) days, excluding Saturdays, Sundays and legal holidays, of the appointment or designation, the examiner shall determine the best location for the examination. If practical, the examination shall be conducted locally on an outpatient basis.

(3) If the examiner determines that confinement is necessary for purposes of the examination, the court may order the defendant to be confined to a jail, a hospital, or other suitable facility for that purpose for a period not exceeding thirty (30) days. The order of confinement shall require the county sheriff to transport the defendant to and from the facility and shall notify the facility of any known medical, behavioral, or security requirements of the defendant. The court, upon request, may make available to the examiner any court records relating to the defendant.

(4) In such examination, any method may be employed that is accepted by the examiner's profession for the examination of those alleged not to be competent to assist counsel in their defense.

(5) Upon completion of the examination, a report shall be submitted to the court and shall include the following:

- (a) A description of the nature of the examination;
- (b) A diagnosis or evaluation of the mental condition of the defendant;
- (c) An opinion as to the defendant's capacity to understand the proceedings against him and to assist in his own defense;
- (d) An opinion whether the defendant lacks the capacity to make informed decisions about treatment. "Lack of capacity to make informed decisions about treatment" means the defendant's inability, by reason of his mental condition, to achieve a rudimentary understanding of the purpose, nature, and possible significant risks and benefits of treatment, after conscientious efforts at explanation.

(6) If the examination cannot be conducted by reason of the unwillingness of the defendant to participate therein, the report shall so state and



shall include, if possible, an opinion as to whether such unwillingness of the defendant was the result of mental disease or defect.

(7) The report of the examination shall be filed ~~in triplicate~~ with the clerk of the court, who shall cause copies to be delivered to the prosecuting attorney and to counsel for the defendant.

(8) When the defendant wishes to be examined by an expert of his own choice, such examiner shall be permitted to have reasonable access to the defendant for the purpose of examination.

(9) In the event a defendant is suspected of being developmentally disabled, the examination shall proceed with those experts set out in subsection (7) of section 66-402, Idaho Code.

(10) In addition to the psychiatrist, licensed psychologist, or evaluation committee, the court may appoint additional experts to examine the defendant.

(11) If, at any time during the examination process, the examiner has reason to believe that the defendant's alleged incompetency may be the result of a developmental disability and the matter has not already been referred to an evaluation committee for review, the examiner shall immediately notify the court. The court shall then appoint an evaluation committee or shall order the department of health and welfare to designate, within two (2) business days, an evaluation committee consistent with section 66-402(7), Idaho Code.

(12) If the defendant lacks capacity to make informed decisions about treatment, as defined in section 66-317, Idaho Code, the court may authorize consent to be given pursuant to section 66-322, Idaho Code. If the defendant lacks capacity to make informed decisions as defined in subsection (9) of section 66-402, Idaho Code, the court may authorize consent to be given pursuant to sections 66-404 and 66-405, Idaho Code.

(13) If the defendant was confined solely for the purpose of examination, he shall be released from the facility within three (3) days, excluding Saturdays, Sundays and legal holidays, following notification of completion of the examination.

SECTION 2. That Section 18-212, Idaho Code, be, and the same is hereby amended to read as follows:

18-212. DETERMINATION OF FITNESS OF DEFENDANT TO PROCEED -- SUSPENSION OF PROCEEDING AND COMMITMENT OF DEFENDANT -- POSTCOMMITMENT HEARING. (1) When the defendant's fitness to proceed is drawn in question, the issue shall be determined by the court. The court shall also determine, based on the examiner's findings, whether the defendant lacks capacity to make informed decisions about treatment. If neither the prosecuting attorney nor counsel for the defendant contests the finding of the report filed pursuant to section 18-211, Idaho Code, the court may make the determination on the basis of such report. If the finding is contested, the court shall hold a hearing on the issue. If the report is received in evidence upon such hearing, the party who contests the finding thereof shall have the right to summon and to cross-examine the psychiatrist or licensed psychologist who submitted the report and to offer evidence upon the issue.

(2) If the court determines that the defendant lacks fitness to proceed, the proceeding against him shall be suspended, except as provided in subsections (5) and (6) of this section, and the court shall commit him to the custody of the director of the department of health and welfare, for a period not exceeding ninety (90) days, for care and treatment at an appropriate facility of the department of health and welfare or, if the defendant is found to be dangerously mentally ill as defined in section 66-1305, Idaho Code, to the department of correction for a period not exceeding ninety (90) days. The order of commitment shall include the finding by the court whether the defendant lacks capacity to make informed decisions about treatment. For

purposes of this section, "facility" shall mean a state hospital, institution, mental health center, or those facilities enumerated in subsection (8) of section 66-402, Idaho Code, equipped to evaluate or rehabilitate such defendants. The order of commitment shall require the county sheriff to transport the defendant to and from the facility and require an evaluation of the defendant's mental condition at the time of admission to the facility, and a progress report on the defendant's mental condition. The progress report shall include an opinion whether the defendant is fit to proceed, or if not, whether there is a substantial probability the defendant will be fit to proceed within the foreseeable future. If the report concludes that there is a substantial probability that the defendant will be fit to proceed in the foreseeable future, the court may order the continued commitment of the defendant for an additional one hundred eighty (180) days. If at any time the director of the facility to which the defendant is committed determines that the defendant is fit to proceed, such determination shall be reported to the court.

(3) If during a commitment under this section a defendant who has the capacity to make informed decisions about treatment refuses any and all treatment, or the only treatment available to restore competency for trial, the court shall, within seven (7) days, excluding weekends and holidays, of receiving notice of the defendant's refusal from the facility, conduct a hearing on whether to order involuntary treatment or order such other terms and conditions as may be determined appropriate. The burden shall be on the state to demonstrate grounds for involuntary treatment including, but not limited to: the prescribed treatment is essential to restore the defendant's competency, the medical necessity and appropriateness of the prescribed treatment, no less intrusive treatment alternative exists to render the defendant competent for trial, and other relevant information. If each of these findings is made by the court, treatment shall be ordered consistent with the findings.

(4) Each report shall be filed ~~in triplicate~~ with the clerk of the court, who shall cause copies to be delivered to the prosecuting attorney and to counsel for the defendant. Upon receipt of a report, the court shall determine, after a hearing if a hearing is requested, the disposition of the defendant and the proceedings against him. If the court determines that the defendant is fit to proceed, the proceeding shall be resumed. If at the end of the initial ninety (90) days the court determines that the defendant is unfit and there is not a substantial probability the defendant will be fit to proceed within the foreseeable future or if the defendant is not fit to proceed after the expiration of the additional one hundred eighty (180) days, involuntary commitment proceedings shall be instituted pursuant to either section 66-329 or 66-406, Idaho Code, in the court in which the criminal charge is pending.

(5) In its review of commitments pursuant to section 66-337, Idaho Code, the department of health and welfare shall determine whether the defendant is fit to proceed with trial. The department of health and welfare shall review its commitments pursuant to chapter 4, title 66, Idaho Code, and may recommend that the defendant is fit to proceed with trial. If the district court which committed the defendant pursuant to section 66-406, Idaho Code, agrees with the department's recommendation and finds the conditions which justified the order pursuant to section 66-406, Idaho Code, do not continue to exist, criminal proceedings may resume. If the defendant is fit to proceed, the court in which the criminal charge is pending shall be notified and the criminal proceedings may resume. If, however, the court is of the view that so much time has elapsed, excluding any time spent free from custody by reason of the escape of the defendant, since the commitment of the defendant that it would be unjust to resume the criminal proceeding, the court may dismiss the charge.

(6) If a defendant escapes from custody during his confinement, the director shall immediately notify the court from which committed, the prosecuting attorney and the sheriff of the county from which committed. The court shall forthwith issue an order authorizing any health officer, peace officer, or the director of the institution from which the defendant escaped, to take the defendant into custody and immediately return him to his place of confinement.

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, 2022.

Approved March 7, 2022

CHAPTER 27  
(H.B. No. 455)

AN ACT

RELATING TO AGRICULTURE; AMENDING SECTION 22-603, IDAHO CODE, TO REMOVE CODE REFERENCES; AMENDING SECTION 22-605, IDAHO CODE, TO REVISE PROVISIONS REGARDING A CERTAIN FEE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 22-608, IDAHO CODE, RELATING TO INSPECTION FEES; REPEALING SECTION 22-609, IDAHO CODE, RELATING TO TONNAGE REPORTS; AMENDING SECTION 22-2205, IDAHO CODE, TO REVISE PROVISIONS REGARDING A CERTAIN FEE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 22-2208, IDAHO CODE, RELATING TO TONNAGE FEES; REPEALING SECTION 22-2209, IDAHO CODE, RELATING TO TONNAGE REPORTS; AMENDING SECTION 22-2217, IDAHO CODE, TO REMOVE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; REPEALING CHAPTER 32, TITLE 22, IDAHO CODE, RELATING TO THE ARTIFICIAL PRODUCTION OF RAINFALL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 22-603, Idaho Code, be, and the same is hereby amended to read as follows:

22-603. DEFINITIONS. When used in this chapter:

(1) "Biosolid(s)" means a primary organic solid material produced by wastewater treatment processes that can be beneficially recycled for its plant nutrient content and soil amending characteristics, as regulated under the code of federal regulations, 40 CFR 503, as amended.

(2) "Brand" means a term, design, or trademark used in connection with one (1) or several grades of fertilizer.

(3) "Calcium carbonate equivalent" means the acid-neutralizing capacity of an agricultural liming material expressed as a weight percentage of calcium carbonate.

(4) "Compost" means a biologically stable material derived from the composting process.

(5) "Composting" means the biological decomposition of organic matter. It is accomplished by mixing and piling in such a way to promote aerobic and/or anaerobic decay. The process inhibits pathogens, viable weed seeds and odors.

(6) "Coproduct" means a chemical substance produced for a commercial purpose during the manufacture, processing, use or disposal of another chemical substance or mixture.

(7) "Deficiency" means the amount of nutrient found by analysis to be less than that guaranteed, which may result from a lack of nutrient ingredients or from lack of uniformity.

(8) "Department" means the Idaho state department of agriculture or its authorized representative.

(9) "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend fertilizer, or to offer for sale, sell, barter or otherwise distribute or supply fertilizer in this state.

(10) "Distributor" means any person who distributes.

(11) "Fertilizer" means any substance containing one (1) or more recognized plant nutrient which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, and includes limes and gypsum. It does not include unmanipulated animal manure and vegetable organic waste-derived material, or biosolids regulated under the code of federal regulations, 40 CFR 503, as amended.

(a) "Bulk fertilizer" means a fertilizer distributed in a nonpackaged form.

(b) "Customer formula fertilizer" means a mixture of fertilizer or materials of which each batch is mixed according to the specific instructions of the final purchaser.

(c) "Fertilizer material" means a fertilizer which either:

(i) Contains important quantities of no more than one (1) of the primary plant nutrients: nitrogen (N), phosphate (P<sub>2</sub>O<sub>5</sub>) and potash (K<sub>2</sub>O), or

(ii) Has eighty-five percent (85%) or more of its plant nutrient content present in the form of a single chemical compound, or

(iii) Is derived from a plant or animal residue or byproduct or natural material deposit which has been processed in such a way that its content of plant nutrients has not been materially changed except by purification and concentration.

(d) "Micronutrient fertilizer" means a fertilizer that contains valuable concentrations of micronutrients, but does not contain valuable concentrations of total nitrogen (N), available phosphate (P<sub>2</sub>O<sub>5</sub>), soluble potash (K<sub>2</sub>O), calcium (Ca), magnesium (Mg), or sulfur (S).

(e) "Mixed fertilizer" means a fertilizer containing any combination or mixture of fertilizer materials.

(f) "Packaged fertilizer" means fertilizers, either agricultural or specialty, distributed in nonbulk form.

(g) "Specialty fertilizer" means a fertilizer distributed for nonagricultural use.

(h) "Waste-derived fertilizer" includes any commercial fertilizer derived from an industrial byproduct, coproduct or other material that would otherwise be disposed of if a market for reuse were not an option, but does not include fertilizers derived from biosolids or biosolid products regulated under the code of federal regulations, 40 CFR 503, as amended.

(12) "Grade" means the percentage of total nitrogen, available phosphate, and soluble potash stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis. Provided however, that specialty fertilizers may be guaranteed in fractional units of less than one percent (1%) of total nitrogen, available phosphate, and soluble potash: provided further, that fertilizer materials, bone meal, and similar materials may be guaranteed in fractional units.

(13) "Guaranteed analysis" means the minimum percentage of plant nutrients claimed, for a total nitrogen, available phosphate, or soluble potash fertilizer, consistent with the grade and in the following order and form:

(a) Total nitrogen	..... %
Available phosphate	..... %
Soluble potash	..... %

(b) Unless approved by the department, all fertilizer intended for agricultural use with a total nitrogen, available phosphate, or soluble potash guarantee shall contain five percent (5%) or more of available nitrogen, phosphate, or potash, singly, collectively, or in combination.

(c) For unacidulated mineral phosphatic materials and basic slag, the guaranteed analysis shall contain both total and available phosphate and the degree of fineness. For bone, tankage, and other organic phosphatic materials, the guaranteed analysis shall contain total and available phosphate.

(d) The guaranteed analysis for limes shall include the percentage of calcium or magnesium expressed as their carbonate; the calcium carbonate equivalent as determined by methods prescribed by the association of official analytical chemists, international (AOAC); and the minimum percentage of material that will pass respectively a one hundred (100) mesh, sixty (60) mesh, and ten (10) mesh sieve.

(e) The guarantees for nutrients other than total nitrogen, available phosphate and soluble potash shall be expressed in the form of the element. The source (oxides, salts, chelates, etc.) of such other nutrients may be required to be stated on the application for registration and shall be included on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the department. Other guarantees shall not be included with the guarantee for nutrients, but shall be listed separately as "nonnutrient substances." When any plant nutrients or other substances or compounds are guaranteed they shall be subject to inspection and analysis in accordance with the methods and rules prescribed by the department.

(f) In a fertilizer with the principal constituent of calcium sulfate (gypsum), the percentage of calcium sulfate ( $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$ ) shall be given along with the percentage of total sulfur (S).

(14) "Investigational allowance" means an allowance for variations inherent in the taking, preparation and analysis of an official sample of fertilizer.

(15) "Label" means the display of all written, printed, or graphic matter, upon the immediate container, or a statement accompanying a fertilizer.

(16) "Labeling" means all written, printed, or graphic matter, upon or accompanying any fertilizer, or advertisements, brochures, posters, and television and radio announcements used in promoting the sale of such fertilizer.

(17) "Lime" means a substance or a mixture of substances, the principal constituent of which is calcium carbonate ( $\text{CaCO}_3$ ), calcium hydroxide ( $\text{Ca}(\text{OH})_2$ ), calcium oxide ( $\text{CaO}$ ), magnesium carbonate ( $\text{MgCO}_3$ ), magnesium hydroxide ( $\text{Mg}(\text{OH})_2$ ) or magnesium oxide ( $\text{MgO}$ ), singly or combined, and capable of neutralizing soil acidity.

(18) "Manipulation" means actively processed or treated in any manner.

(19) "Manufacture" means to compound, produce, granulate, mix, blend, repackage, or otherwise alter the composition of fertilizer materials.

(20) "Micronutrient" means boron (B), chlorine (Cl), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo), nickel (Ni), sodium (Na), and zinc (Zn).

(21) "Official sample" means any sample of fertilizer taken by the director or his authorized agent and designated as "official" by the department.

(22) "Organic waste-derived material" means grass clippings, leaves, weeds, bark, plantings, prunings and other vegetative wastes, wood wastes from logging and milling operations, and food wastes. "Organic waste-derived material" does not include products that contain biosolids as defined in this section.

(23) "Packaged fertilizer" means fertilizers, either agricultural or specialty, distributed in nonbulk form.

(24) "Percent" or "percentage" means the percentage by weight.

(25) "Person" means an individual, partnership, association, firm or corporation.

(26) "Primary nutrient" means total nitrogen, available phosphate, and soluble potash.

(27) "Production" means to compound or fabricate a fertilizer through a physical or chemical process. Production does not include mixing, blending, or repackaging fertilizer products.

(28) "Registrant" means the person who registers fertilizer under the provisions of this act.

(29) "Storage container" means a container, including a railcar, nurse tank or other container that is used or intended for the storage of bulk liquid or dry fertilizer. It does not include a mobile container at a storage facility for less than fifteen (15) days if this storage is incidental to the loading or unloading of a storage container at the bulk fertilizer storage facility. Storage container does not include underground storage containers or surface impoundments such as lined ponds or pits.

(30) "Storage facility" means a location at which undivided quantities of liquid bulk fertilizer in excess of five hundred (500) U.S. gallons or undivided quantities of dry bulk fertilizer in excess of fifty thousand (50,000) pounds are held in a storage container. Temporary field storage of less than thirty (30) days is not considered a storage facility.

(31) "Ton" means a net weight of two thousand (2,000) pounds avoirdupois.

(32) "Tonnage-only distributor" means any person who assumes the responsibility for inspection fees and reports ~~as provided for in sections 22-608(1) and 22-609, Idaho Code~~. A tonnage-only distributor must register with the department on forms provided by the director. ~~A tonnage-only distributor is subject to section 22-608, Idaho Code.~~

When not specifically stated in this section or otherwise designated by the department in rule, the department will be guided by the definitions of general terms, fertilizer materials and soil and plant amendment materials as set forth in the Official Publication of the Association of American Plant Food Control Officials (AAPFCO) or the Merck Index, published by Merck Co., Inc.

SECTION 2. That Section 22-605, Idaho Code, be, and the same is hereby amended to read as follows:

22-605. REGISTRATION OF PRODUCTS AND STORAGE FACILITIES. (1) Registration of products.

(a) Each separately identifiable fertilizer product except individual customer-formula mixes shall be registered by the person who manufactures or distributes fertilizer into or within the state of Idaho before being offered for sale, sold, or otherwise distributed into or within this state. Companies planning to mix customer-formula fertilizers shall include the statement "customer-formula mixes" or "CFM" on the registration application form. The application for registration shall be submitted to the department on forms furnished by the department, and shall be accompanied by a nonrefundable fee of ~~twenty-five~~ seventy-five dollars (\$~~275.00~~) per separately identifiable fertilizer product. Upon approval by the department, a certificate of registration shall be furnished to the applicant. All registrations expire on December 31 of each year. The application shall include the following information:

- (i) The brand, grade and product name for each product;
  - (ii) The name and address of the registrant; and
  - (iii) A current label meeting the requirements of section 22-607, Idaho Code, for each product.
- (b) A distributor is not required to register any fertilizer that is already registered under this chapter, as long as the label remains unchanged.
- (c) If an application for renewal of the product registration provided for in this section is not postmarked by January 31 ~~of any one (1) year~~, a penalty of ten dollars (\$10.00) per product shall be assessed and added to the original fee and shall be paid by the applicant before the renewal registration certificate is issued.
- (d) The department shall examine the fertilizer product registration application form and labels for conformance with the requirements of this chapter. If the application, information and appropriate labels are in proper form and contain all the required information, the fertilizer products shall be registered by the department and a certificate of registration shall be issued to the applicant. The department may refuse to register or ~~cancel the registration~~ of any fertilizer product ~~which would be~~ in violation of any provision of this chapter.
- (e) In reviewing the fertilizer product registration application, the department may consider experimental data, manufacturers' evaluations, data from agricultural experiment stations' product review evaluations, and other authoritative sources to substantiate labeling claims. The data shall be from statistically designed and analyzed trials representative of the soil, crops, and climatic conditions found in the northwestern area of the United States.
- (f) In determining whether approval of a label statement or guarantee of an ingredient is appropriate, the department may require the submission of a written statement describing the methodology of laboratory analysis ~~utilized~~ used, the source of the ingredient material, and any reference material ~~relied upon~~ on to support the label statement or guarantee of ingredient.
- (g) Any waste-derived fertilizer distributed as a single-ingredient product or blended with other fertilizer ingredients must be identified as "waste-derived fertilizer" by the registrant in the application for registration.
- (h) The registrant of a waste-derived fertilizer shall state in the application for registration the levels of nonnutritive metals including, but not limited to, arsenic (As), cadmium (Cd), mercury (Hg), lead (Pb) and selenium (Se). The registrant shall provide a laboratory report or other documentation verifying the levels of the nonnutritive metals in the waste-derived fertilizer. The registrant shall provide a new laboratory report upon a change of any nutrient source containing waste-derived material.
- (i) Any person distributing commercial fertilizer into or within Idaho to an Idaho registrant or a tonnage-only distributor must be a registrant or a tonnage-only distributor.
- (j) If a product is found being offered for sale, sold, or otherwise distributed into or within Idaho prior to registration, the department is authorized to assess a penalty of twenty-five dollars (\$25.00) on each product in addition to the annual registration fee as provided in this section.
- (2) Registration of storage facilities.
- (a) Distributors shall register each of their in-state storage facilities with the department. The application for registration shall be submitted to the department on forms furnished by the department and shall be accompanied by a nonrefundable fee of one hundred dollars (\$100) per distributor. Upon approval by the department, a certificate

of registration shall be furnished to the applicant. All registrations expire on December 31 of each year. The application shall include the following information:

- (i) The name and address of the registrant and location of storage facility;
  - (ii) Listing of storage containers by volume, per storage facility.
- (b) If an application for renewal of the storage facility registration provided for in this section is not postmarked by January 31 ~~of any one (1) year~~, a penalty of ten dollars (\$10.00) per storage facility shall be assessed and added to the original fee and shall be paid by the applicant before the renewal registration certificate is issued.
- (c) The department shall be notified of the installation of any additional storage container or containers to a storage facility within thirty (30) days of installation.
- (d) If the department is not notified within thirty (30) days of the installation of any additional storage container or containers, a penalty of fifty dollars (\$50.00) shall be assessed.

SECTION 3. That Section 22-608, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 22-609, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 22-2205, Idaho Code, be, and the same is hereby amended to read as follows:

22-2205. PRODUCTS -- REGISTRATION REQUIRED. (1) Each separately identifiable soil amendment or plant amendment product shall be registered before being distributed in this state. The application for registration shall be submitted to the department on a form furnished by the department, and shall be accompanied by a nonrefundable fee of ~~one hundred ninety~~ ninety dollars (\$~~100~~90.00) per product and a label of each product, unless a current label is on file at the department. Companies planning to mix customer-formula soil amendments or plant amendments shall include the statement "customer-formula mixes" under the "products" column on the registration application form. Upon approval by the department, a certificate of registration shall be furnished to the applicant.

(2) In determining whether a label statement of an ingredient is appropriate, the department may require the submission of a written statement describing the method of laboratory analysis used, the source of all ingredient material, and any reference material relied on to support the label statement or guarantee of the ingredients.

(3) Upon receipt of a complete application for registration of a product, the department may test and analyze an official sample of the product to determine whether the contents of the official sample conform to the label. In his discretion, the director may also require an applicant for registration of a soil amendment or a plant amendment to submit any data concerning the efficacy or safety of the product for its intended use.

(4) Refusal to register, denial, suspension.

(a) If it appears to the director that composition of the soil amendment or plant amendment does not warrant the proposed claims for it, or if the soil amendment or plant amendment and its labeling or other material required to be submitted do not comply with this chapter or rules adopted under this chapter, the director shall notify the applicant of the manner in which the soil amendment or plant amendment labeling or other material required to be submitted fails to comply with this chapter so as to give the applicant an opportunity to make the necessary corrections.



If the applicant does not make the required changes within ninety (90) days from the receipt of the notice, the director may refuse to register the soil amendment or plant amendment. The applicant may request a hearing as provided in the administrative procedure act, chapter 52, title 67, Idaho Code.

(b) When the director determines that a soil amendment or plant amendment or its labeling does not comply with this chapter or rules adopted under this chapter, or when necessary to prevent unreasonable adverse effects on the environment, the director may refuse to register or may suspend, revoke or modify the registration of the soil amendment or plant amendment in accordance with the provisions of the administrative procedure act, chapter 52, title 67, Idaho Code.

(5) Registrations are effective through the last day of the calendar year in which they are issued. If a registration is being renewed, the director may suspend the requirement that a soil amendment or plant amendment be analyzed if there is no material change in the label for the product.

(6) If the application for renewal of the soil amendment or plant amendment registration provided for in this section is not submitted before ~~February 1 of any one (1) year~~ by January 31, a penalty of ten dollars (\$10.00) per product shall be assessed and added to the original fee. The applicant shall pay the penalty before the renewal soil amendment or plant amendment registration may be issued.

(7) Any waste-derived soil amendment or waste-derived plant amendment distributed as a single-ingredient product or blended with other soil amendments or plant amendment ingredients must be identified as "waste-derived soil amendment or plant amendment" by the applicant in the application for registration.

(8) An applicant applying to register a waste-derived soil amendment or plant amendment shall state in the application the concentration of metals or metalloids including, but not limited to, arsenic (As), cadmium (Cd), mercury (Hg), lead (Pb), and selenium (Se). The applicant shall provide a laboratory report or other documentation verifying the levels of the metals or metalloids in the waste-derived soil amendment or plant amendment.

(9) A distributor is not required to register a soil amendment or plant amendment product that is already registered under this chapter, ~~so~~ as long as the label remains unchanged.

SECTION 6. That Section 22-2208, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 22-2209, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Section 22-2217, Idaho Code, be, and the same is hereby amended to read as follows:

22-2217. STOP-SALE ORDERS. (1) The director may issue and enforce a written "stop-sale, use or removal" order to the manufacturer, distributor, owner, or custodian of any soil amendment or plant amendment, or any lot thereof, if he determines that:

(1a) A soil amendment or plant amendment is not properly registered or whose its registration has been revoked under this chapter; or

(2b) ~~The proper tonnage fees or tonnage reports have not been submitted to the department pursuant to section 22-2208 or 22-2209, Idaho Code; or~~

(3) A soil amendment or plant amendment is misbranded or adulterated.

(2) The order may require the person to whom it is directed to hold the soil amendment or plant amendment, or lot thereof, ~~which~~ that is the subject of the order, at a designated place until the requirements of this chapter are satisfied and all costs and expenses reasonably incurred by the department in connection with the withdrawal are paid by or on behalf of the person to whom the order was directed.

SECTION 9. That Chapter 32, Title 22, Idaho Code, be, and the same is hereby repealed.

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, 2022.

Approved March 7, 2022

CHAPTER 28  
(H.B. No. 506)

AN ACT

RELATING TO ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS; AMENDING SECTION 33-4302, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DETERMINATION OF TOTAL AND PERMANENT DISABILITY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-4302, Idaho Code, be, and the same is hereby amended to read as follows:

33-4302. ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS. (1) The following individuals shall be eligible for the scholarship program provided for herein:

(a) Any spouse or child of any Idaho citizen who, while such person is or was a resident of the state of Idaho, has been determined by the federal government to be a prisoner of war or missing in action, ~~or to have~~ has died of, or become totally and permanently disabled by, injuries or wounds sustained in action in any area of armed conflict in which the United States is a party; and

(b) Any spouse or child of any member of the armed forces of the United States who is stationed in the state of Idaho on military orders and who is deployed from the state of Idaho to any area of armed conflict in which the United States is a party and who has been determined by the federal government to be a prisoner of war or missing in action, ~~or to have~~ has died of, or become totally and permanently disabled by, injuries or wounds sustained in action as a result of such deployment; and

(c) Any spouse or child of a full-time or part-time public safety officer, as defined in paragraph (d) of this subsection, employed by or volunteering for the state of Idaho or for a political subdivision of the state of Idaho, which public safety officer is or was a resident of the state of Idaho at the time such officer was killed or totally and permanently disabled in the line of duty. The death or disability shall have occurred on or after January 1, 1975. The scholarship provided for in this section shall not be available unless it is determined that:

- (i) The death or disablement of the public safety officer occurred in the performance of the officer's duties;
  - (ii) The death or disablement was not caused by the intentional misconduct of the public safety officer or by such officer's intentional infliction of injury; and
  - (iii) The public safety officer was not voluntarily intoxicated at the time of death.
- (d) For purposes of this section, the following terms have the following meanings:
- (i) "Public safety officer" means a peace officer or firefighter, a paramedic or emergency medical technician as those terms are defined in section 56-1012, Idaho Code.
  - (ii) "Volunteering" means contributing services as a bona fide member of a legally organized law enforcement agency, fire department or licensed emergency medical service provider organization.
- (2) (a) To be eligible for the scholarship provided for herein, a child of a military member or a public safety officer must be a resident of the state of Idaho and must have completed secondary school or its equivalent in the state of Idaho. A child already born, or born after a military member or public safety officer is determined to be imprisoned or missing in action, or is killed or becomes totally and permanently disabled, shall be eligible for this scholarship;
- (b) To be eligible for the scholarship provided for herein, the spouse of a military member or public safety officer must be a resident of the state of Idaho and must have been married to such person at the time the military member or public safety officer was determined to be imprisoned or missing in action, or was killed or became totally and permanently disabled. Provided however, that in the situation of disability, the spouse must be currently married to such person.
- (3) An eligible individual who applies for the scholarship provided for herein shall, after verification of eligibility, receive the scholarship and be admitted to attend undergraduate studies at any public institution of higher education or public ~~professional-technical~~ career technical college within the state of Idaho without the necessity of paying tuition and fees therefor; such student shall be provided with books, equipment and supplies necessary for pursuit of such program of enrollment not to exceed five hundred dollars (\$500) per quarter, semester, intensified semester, or like educational period; such student shall be furnished on-campus institution housing and subsistence for each month he or she is enrolled full-time under this program and actually resides in such on-campus facility; provided however, that such undergraduate educational benefits shall not exceed a total of thirty-six (36) months or four (4) nine (9) month periods. Provided further, that the initiation of such educational benefits shall extend for a period of ten (10) years after achieving a high school diploma or its equivalency, or for a period of ten (10) years after the event giving rise to the eligibility for the scholarship, whichever is longer.
- (4) The eligible individual shall meet such other educational qualifications as such institution of higher education or ~~professional-technical~~ career technical college has established for other prospective students of this state, as well as any additional educational qualifications established by the state board of education and board of regents of the university of Idaho.
- (5) Application for eligibility under this section shall be made to the state board of education and the board of regents of the university of Idaho or the state board of ~~vocational-technical~~ career technical education. The board shall verify the eligibility of the applicant and communicate such eligibility to such person and the affected institution or college.

(6) Affected institutions shall in their preparation of future budgets include therein costs resultant from such tuition, fee, book, equipment, supply, housing and subsistence loss for reimbursement thereof from appropriations of state funds.

(7) For the purposes of this section, a member of the armed forces of the United States is considered totally and permanently disabled if at the time of application a current disability determination made or recognized by the United States social security administration or the Idaho division of veterans services is in effect with respect to such individual.

(8) For the purposes of this section, a public safety officer is considered totally and permanently disabled if at the time of application a current disability determination made by the public employee retirement system of Idaho is in effect with respect to such individual.

(9) The state board of education and board of regents of the university of Idaho may adopt rules to implement and administer the scholarship program provided for in this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 7, 2022

CHAPTER 29  
(H.B. No. 461)

AN ACT

RELATING TO SCHOLARSHIPS; AMENDING SECTION 33-4302, IDAHO CODE, TO REVISE ELIGIBILITY REQUIREMENTS FOR ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS, TO REMOVE OBSOLETE LANGUAGE, TO DEFINE TERMS, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-4302, Idaho Code, be, and the same is hereby amended to read as follows:

33-4302. ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS.

(1) (a) The following individuals shall be eligible for the scholarship program provided for herein in this section:

(ai) Any spouse or child of any Idaho citizen who, while such person is or was a resident of the state of Idaho, :

1. Hhas been determined by the federal government to be a prisoner of war or missing in action; or ~~to have~~

2. Ddied of, or has become totally and permanently disabled by, injuries or wounds sustained ~~in action in any area of armed conflict in which the United States is a party; and during active duty or inactive duty training.~~

(bii) Any spouse or child of any member of the United States armed forces ~~of the United States~~ who is stationed in the state of Idaho on military orders and who :

1. Is deployed from the state of Idaho to any area of armed conflict in which the United States is a party and who has been determined by the federal government to be a prisoner of war or missing in action; or to have died of, or become totally and permanently disabled by, injuries or wounds sustained in action as a result of such deployment; or  
2. Dies of, or becomes totally and permanently disabled by, injuries or wounds sustained during active duty or inactive duty training.

(eiii) Any spouse or child of a full-time or part-time public safety officer, as defined in paragraph (db) of this subsection, employed by or volunteering for the state of Idaho or for a political subdivision of the state of Idaho, which public safety officer is or was a resident of the state of Idaho at the time such officer was killed or totally and permanently disabled in the line of duty. ~~The death or disability shall have occurred on or after January 1, 1975.~~ The scholarship provided for in this section shall not be available unless it is determined that:

~~(i) 1.~~ The death or disablement of the public safety officer occurred in the performance of the officer's duties;  
~~(ii) 2.~~ The death or disablement was not caused by the intentional misconduct of the public safety officer or by such officer's intentional infliction of injury; and  
~~(iii) 3.~~ The public safety officer was not voluntarily intoxicated at the time of death.

~~(db) For purposes of As used in this section, the following terms have the following meanings:~~

(i) "Active duty" means state active duty as defined in section 46-409, Idaho Code, or full-time duty with any of the United States armed forces.

(ii) "Inactive duty training" means training or maintenance activities prescribed, required, or authorized for military members that do not constitute active duty.

(iii) "Military member" means a member of the United States armed forces.

(iv) "Public safety officer" means a peace officer, or a firefighter, a paramedic as defined in section 56-1012, Idaho Code, or an emergency medical technician as these terms are defined in section 56-1012, Idaho Code.

(v) "United States armed forces" means the air force, army, coast guard, marine corps, navy, or space force, or the reserve component of any such service.

(vi) "Volunteering" means contributing services as a bona fide member of a legally organized law enforcement agency, fire department, or licensed emergency medical service provider organization.

(2) (a) To be eligible for the scholarship provided for herein in this section, a child of a military member or a public safety officer must be a resident of the state of Idaho and must have completed secondary school or its equivalent in the state of Idaho. A child already born, or born after a military member or public safety officer is determined to be imprisoned or missing in action, or is killed dies or becomes totally and permanently disabled, shall be eligible for this scholarship.

(b) To be eligible for the scholarship provided for herein in this section, the spouse of a military member or public safety officer must be a resident of the state of Idaho and must have been married to such person at the time the military member or public safety officer was determined to be imprisoned or missing in action, or ~~was killed~~ died or became totally and permanently disabled. ~~Provided h~~However, ~~that~~ in the situation of disability, the spouse must be currently married to such person.

(3) An eligible individual who applies for the scholarship provided for herein in this section shall, after verification of eligibility, receive the scholarship and be admitted to attend undergraduate studies at any public institution of higher education or public ~~professional-~~ career technical college within the state of Idaho without the necessity of paying tuition and fees therefor; such student shall be provided with books, equipment, and supplies necessary for pursuit of such program of enrollment not to exceed five hundred dollars (\$500) per quarter, semester, intensified semester, or like educational period; and such student shall be furnished on-campus institution housing and subsistence for each month he or she is enrolled full-time under this program and actually resides in such on-campus facility; ~~provided however, that.~~ However, such undergraduate educational benefits shall not exceed a total of thirty-six (36) months or four (4) nine (9) month periods. ~~Provided further, that,~~ and the initiation of such educational benefits shall extend for a period of ten (10) years after achieving a high school diploma or its equivalency, or for a period of ten (10) years after the event giving rise to the eligibility for the scholarship, whichever is longer.

(4) The eligible individual shall meet such other educational qualifications as such institution of higher education or ~~professional-~~ career technical college has established for other prospective students of this state, as well as any additional educational qualifications established by the state board of education and board of regents of the university of Idaho.

(5) Application for eligibility under this section shall be made to the state board of education and the board of regents of the university of Idaho or the state board of ~~vocational-~~ for career technical education. The board shall verify the eligibility of the applicant and communicate such eligibility to such person and the affected institution or college.

(6) Affected institutions shall in their preparation of future budgets include ~~therein~~ costs resultant from such tuition, fee, book, equipment, supply, housing and subsistence loss for reimbursement ~~thereof~~ from appropriations of state funds.

(7) For the purposes of this section, a member of the United States armed forces ~~of the United States~~ is considered totally and permanently disabled if at the time of application a current disability determination made by the United States social security administration is in effect with respect to such individual.

(8) For the purposes of this section, a public safety officer is considered totally and permanently disabled if at the time of application a current disability determination made by the public employee retirement system of Idaho is in effect with respect to such individual.

(9) The state board of education and board of regents of the university of Idaho may adopt rules to implement and administer the scholarship program provided for in this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

CHAPTER 30  
(S.B. No. 1331)

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 THE DIVISION OF MEDICAID IN THE ENHANCED MEDICAID PLAN FOR FISCAL YEAR 2022; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID IN THE ENHANCED MEDICAID PLAN FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR THE EXPANSION MEDICAID PLAN 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 303, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Division of Medicaid for the Enhanced Medicaid Plan \$121,255,800 from the Cooperative Welfare (Federal) Fund to be expended for trustee and benefit payments for the period July 1, 2021, through June 30, 2022.

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Division of Medicaid for the Enhanced Medicaid Plan in Section 1, Chapter 303, Laws of 2021, from the Cooperative Welfare (General) Fund is hereby reduced by \$132,390,300 for trustee and benefit payments for the period July 1, 2021, through June 30, 2022.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 303, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Division of Medicaid for the Expansion Medicaid Plan the following amounts to be expended for trustee and benefit payments from the listed funds for the period July 1, 2021, through June 30, 2022:

FROM:

Cooperative Welfare (General) Fund	\$1,745,000
Cooperative Welfare (Federal) Fund	<u>15,755,400</u>
TOTAL	\$17,500,400

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

Approved March 9, 2022

CHAPTER 31  
(S.B. No. 1267)

AN ACT

RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-511, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM STOPPING AND INSPECTION FOR NONCOMMERCIAL VEHICLES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-511, Idaho Code, be, and the same is hereby amended to read as follows:

40-511. STOPPING AND INSPECTION. (1) Wherever by the laws of the state of Idaho any vehicle with a maximum gross weight or registered gross weight, or operated at a gross weight, of twenty-six thousand one (26,001) pounds or more, ~~excepting those transporting livestock or~~ placardable quantities of hazardous materials, is used to transport any merchandise, product, ~~or~~ commodity, or livestock within the state, within the state to without the state, or from without the state to within the state, the owner or operator of either the motor vehicle or trailer, as defined in chapter 1, title 49, Idaho Code, used to transport such merchandise, product, ~~or~~ commodity, or livestock is hereby required to stop at such ports of entry or checking stations established by the Idaho transportation department and submit to inspection, grading or weighing, for compliance with the laws of the state of Idaho. Noncommercial vehicles, as defined in section 49-123(2) (k), Idaho Code, shall not be required to stop for inspection pursuant to this section.

(2) Vehicles or combinations of vehicles with a maximum gross weight of ten thousand (10,000) pounds or more transporting ~~livestock or~~ placardable quantities of hazardous materials are required to stop at all ports of entry or checking stations established by the Idaho transportation department.

(3) It shall be the duty of such owner or operator of every motor vehicle or trailer to drive the motor vehicle or trailer upon any state-owned inspection station, stationary or portable scale, or private scale, certified by the state of Idaho, when requested to do so by any peace officer, excepting fish and game officers, or authorized employees of the Idaho transportation department.

(4) Authorized employees of the transportation department may stop any vehicle with a maximum gross weight of eighteen thousand (18,000) pounds or more by displaying a flashing red light if the authorized employee has probable cause to believe the vehicle bypassed a weighing or inspection station or proceeded through the station without regard for the directional signals. Authorized employees may direct a vehicle ~~which~~ that has bypassed a weighing or inspection station, or has proceeded through the station without regard for the directional signals, to return to the bypassed inspection or weighing station and may issue a citation for failure to stop as required in this section. The operator of a vehicle shall bring the vehicle to a stop, pulling off the traveled portion of the highway, when directed to do so by an authorized employee of the transportation department by use of emergency lights or siren.

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, 2022.



CHAPTER 32  
(S.B. No. 1274)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-1201, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SEALING AND STORING OF BALLOTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 12, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1203A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING POSTELECTION AUDITS OF SELECTED BALLOTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-1201, Idaho Code, be, and the same is hereby amended to read as follows:

34-1201. CANVASS OF VOTES. (1) When the polls are closed, the judges must immediately proceed to count the ballots cast at such election. The counting must be continued without adjournment until completed and the result declared.

(2) If the precinct has duplicate ballot boxes, the counting may begin after five (5) ballots have been cast. At this time, the additional clerks shall close the first ballot box and retire to the counting area and count the ballots. Upon completion of this counting, the clerks shall return the ballot box and then proceed to count all of the ballots cast in the second box during this period. This counting shall continue until the polls are closed, at which time all election personnel shall complete the counting of the ballots.

(3) The county clerk may designate paper ballots be returned to a central count location for counting by special counting boards. If the paper ballots are to be counted at a central count location, a procedure may be adopted to deliver the voted ballots to the county clerk prior to the closing of the polls. The results of this early count shall not be released to the public until after 8:00 p.m. of election day.

(4) After being counted, all ballots shall be sealed and stored until such time as the recount period has passed or a recount has been completed. Ballots may be unsealed and resealed as part of a postelection audit conducted pursuant to section 34-1203A, Idaho Code.

SECTION 2. That Chapter 12, 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 34-1203A, Idaho Code, and to read as follows:

34-1203A. POSTELECTION AUDIT OF SELECTED BALLOTS.

(1) (a) After the completion of all county canvasses for any primary or general election, including any presidential primary election, the secretary of state shall identify and order a postelection audit of certain paper ballots cast in any election, shall immediately post to the website of the office of the secretary of state a list of the elections, counties, and precincts selected for audit, and shall immediately notify each affected county clerk and county sheriff of the same. Upon receiving such notification, the county sheriff shall immediately impound and take into custody the affected ballots pursuant to the procedures in chapter 23, title 34, Idaho Code. Upon completion of the postelection audit, the ballots shall be resealed and returned to the custody of the county clerk, or the county sheriff in the event that the ballots are subject to a recount pursuant to chapter 23, title 34, Idaho Code.

(b) A postelection audit authorized pursuant to paragraph (a) of this subsection may be ordered for:

- (i) Any or all federal elections held in Idaho;
- (ii) The election for governor;
- (iii) The statewide office election having the narrowest percentage margin of votes;
- (iv) The statewide ballot question election having the narrowest percentage margin of votes; and
- (v) One (1) legislative office election within the county.

(c) The precincts selected for audit pursuant to paragraph (a) of this subsection shall:

- (i) Be selected by lot by the secretary of state without the use of a computer at an open public meeting governed by the provisions of chapter 2, title 74, Idaho Code; and
- (ii) Not exceed five percent (5%) of the precincts in the county or one (1) precinct, whichever is greater. Provided, however, that multiple precincts may be selected in any county if the number of ballots from the precincts so selected is less than two thousand one hundred (2,100).

(d) The secretary of state, in lieu of auditing the early or absentee ballots from any precincts selected for postelection audit, may select days, batches, legislative districts, or tabulation machines of early or absentee ballots for audit until the number of ballots selected equals or exceeds the number of early or absentee ballots that were cast from the precincts selected for postelection audit. Such days, batches, legislative districts, or tabulation machines shall be selected under the same requirements by which precincts were selected.

The provisions of this paragraph apply only to a county that:

- (i) Does not organize the storage of its early or absentee ballots by precinct;
- (ii) Organizes the storage of such ballots by day, batch, legislative district, or tabulation machine; and
- (iii) Publicly reports the election results for early or absentee ballots by day, batch, legislative district, or tabulation machine on the county's website prior to the secretary of state's selection of precincts to be audited.

(2) The secretary of state shall conduct, and the county clerks shall facilitate, any postelection audit ordered pursuant to subsection (1) of this section. Such an audit shall be open to attendance by news media personnel. By directive issued at least sixty (60) days prior to the election, the secretary of state shall determine the procedures by which the postelection audit is to be conducted. Such procedures shall be developed in consultation with county clerks and shall include provisions allowing each interested candidate and political party, and each political committee that publicly reported expending money on a ballot question for which the results will be audited, to appoint a designated observer. Within the time specified in the directive, the secretary of state shall report the results of any postelection audits on the website of the office of the secretary of state and to the county clerk of each county in which paper ballots were audited.

(3) The secretary of state may order additional postelection audits, without regard to the election or precinct limitations provided in subsection (1) of this section, if he determines that such action is warranted by the findings of the audits ordered pursuant to subsection (1) of this section. The secretary of state shall limit such orders for additional postelection audits to the types of problems identified by the audits performed pursuant to subsection (1) of this section.

(4) The office of the secretary of state shall pay for the cost of any postelection audits conducted pursuant to this section, including reimbursing county clerks for any costs associated with facilitating such audits.

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

Approved March 11, 2022

CHAPTER 33  
(H.B. No. 479)

AN ACT

RELATING TO RECREATIONAL ACTIVITIES; AMENDING SECTION 67-7101, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-7101, Idaho Code, be, and the same is hereby amended to read as follows:

67-7101. DEFINITIONS. In this chapter:

(1) "All-terrain vehicle" or "ATV" means any recreational motor vehicle designed for or capable of traveling off developed roadways and highways with three (3) or more tires and fifty-five (55) inches or less in width, with a wheelbase of sixty-one (61) inches or less, and with handlebar steering and a seat designed to be straddled by the operator.

(2) "Board" means the park and recreation board created under authority of section 67-4221, Idaho Code.

(3) "Bona fide snowmobile program" means services or facilities as approved by the department that will benefit snowmobilers such as snowmobile trail grooming, plowing and maintaining snowmobile parking areas and facilities, and trail signing.

(4) "Dealer" means any person who engages in the retail sales of or rental of snowmobiles, motorbikes, utility type vehicles or all-terrain vehicles.

(5) "Department" means the Idaho department of parks and recreation.

(6) "Designated parking area" means an area located, constructed, maintained, and signed with the approval of the land manager or owner.

(7) "Director" means the director of the department of parks and recreation.

(8) "Highway." (See section 40-109, Idaho Code, but excepting public roadway as defined in this section)

(9) "Motorbike" means any self-propelled two (2) wheeled motorcycle or motor-driven cycle, excluding tractors, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes or dual purpose motorcycles.

(10) "Off-highway vehicle" or "OHV" means an all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in this section.

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

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

(13) "Person" means an individual, partnership, association, corporation, or any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

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

(15) "Snowmobile" means any self-propelled vehicle under two thousand (2,000) pounds unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, ~~which~~ that may be steered by tracks, skis, or runners.

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

(17) "Utility type vehicle" or "UTV" means any recreational motor vehicle other than an ATV, motorbike or snowmobile as defined in this section, designed for and capable of travel over designated roads, traveling on four (4) or more tires, and having a maximum width less than eighty (80) inches, ~~and having a wheelbase of one hundred ten (110) inches or less.~~ A utility type vehicle must have a minimum width of fifty (50) inches, and a minimum weight of at least nine hundred (900) pounds ~~or a wheelbase of over sixty-one (61) inches.~~ Utility type vehicle does not include golf carts, vehicles specially designed to carry a disabled person, implements of husbandry as defined in section 49-110(2), Idaho Code, or vehicles otherwise registered under title 49, Idaho Code. A "utility type vehicle" or "UTV" also means a recreational off-highway vehicle or ROV.

(18) "Vendor" means any entity authorized by the department to sell recreational certificates of number and nonresident user certificates.

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

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, 2022.

Approved March 14, 2022

CHAPTER 34  
(H.B. No. 517)

AN ACT

RELATING TO DENTAL LICENSES; AMENDING SECTION 54-924, IDAHO CODE, TO PROVIDE EXCEPTIONS FOR CERTAIN DISCIPLINARY ACTIONS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-924, Idaho Code, be, and the same is hereby amended to read as follows:

54-924. OTHER GROUNDS OF REFUSAL, REVOCATION OR SUSPENSION OF DENTISTS -- PROBATION AGREEMENTS. The board may refuse to issue or renew a dental license, or may revoke, suspend, place on probation, reprimand or take other disciplinary action with respect to a dental license as the board may deem proper, including administrative penalties not to exceed ten thousand dollars (\$10,000) per violation and assessment of the costs of disciplinary proceedings in the event a dentist shall:

(1) Intentionally misstate, or fail fully to disclose, a fact material to determination of fitness and qualification in an application for licensure to practice dentistry, or cheat in an examination to practice dentistry; or procure a certificate or finding of qualification to practice dentistry or subsequently a license by false, fraudulent or deceitful means or in any other name than his own true name; or

(2) Practice dentistry under any name other than his own true name except as a professional service corporation or professional limited liability company or as a limited managed care plan pursuant to chapter 39, title 41, Idaho Code; or

(3) Practice or in any manner or by any means or at any place hold out or represent himself as practicing dentistry in or under the name of, or as a member, representative, agent or employee of, or in connection with, any company, association, or corporation, or under any trade, fictitious or business name except as a professional service corporation or professional limited liability company or as a limited managed care plan pursuant to chapter 39, title 41, Idaho Code, except for:

(a) A dentist practicing dentistry and providing dentistry services to prisoners in the custody of the Idaho department of correction as an employee of:

(i) The state of Idaho;

(ii) A contractor under contract as defined by section 67-9203, Idaho Code, with the state of Idaho; or

(iii) A subcontractor for a contractor under contract as defined by section 67-9203, Idaho Code, with the state of Idaho; or

(b) A dentist practicing dentistry as an employee or contracting dentist providing dentistry services to any health center as defined and authorized in section 330 of the public health service act, codified as amended at 42 U.S.C. 254b; or

(4) (a) Make, or cause to be made, or assist in making, any fraudulent, false, or misleading statement as to his own, or an employee's, associate's, or other dentist's, dental therapist's, or dental hygienist's skill or lack of skill, or method of practice; or

(b) Claim to practice dentistry without causing pain; or

(c) Claim superiority over other dentists; or

- (d) Publish, advertise, or circulate reports, letters, certificates, endorsements, or evidence of cures or corrections of dental conditions by such dentist, his employee, or his associate by reason of his or their skill, experience, or ability or of his or their use of any system, method, technique, device, drug, medicine, material, manipulation or machine; or
- (e) Advertise the use of, or use, any system, method, technique, device, drug, medicine, material or machine, which that is either falsely advertised or misnamed; or
- (5) Use intoxicants or drugs to such a degree as to render him unfit to practice; or
- (6) Commit malpractice, that is, to provide dental care which that fails to meet the standard of dental care provided by other qualified dentists in the same community or similar communities, taking into account his training, experience and the degree of expertise to which he holds himself out to the public; or
- (7) Engage in unprofessional conduct, as defined by board rules; or
- (8) Advertise in such way as to deceive or defraud, or probably deceive or defraud, the public or patrons; or
- (9) Employ or permit any person not a dentist to practice dentistry, or any person not a dentist or dental therapist to practice dental therapy, or any person not a dentist or dental hygienist to practice dental hygiene, in his office or under his control or direction; or
- (10) Fail, neglect or refuse to keep his office or equipment, or otherwise conduct his work, in accordance with current state and federal laws, rules and regulations; or
- (11) Violate any other provisions of law or rules adopted by the board;
- or
- (12) Falsely identify himself to the public as a specialist in a specialty area of dentistry as defined by rule; or
- (13) Engage in the practice of dentistry as a member, stockholder, employee, director, partner or proprietor in any business entity in which a person, not duly licensed to practice dentistry in this state, holds an ownership interest. The provisions of this subsection shall not apply to:
- (a) Such engagement in a limited managed care plan pursuant to chapter 39, title 41, Idaho Code, or to a;
- (b) A dentist practicing dentistry and providing dentistry services to prisoners in the custody of the Idaho department of correction as an employee of:
- (i) The state of Idaho;
- (ii) A contractor under contract as defined by section 67-9203, Idaho Code, with the state of Idaho; or
- (iii) A subcontractor for a contractor under contract as defined by section 67-9203, Idaho Code, with the state of Idaho; or
- (c) A dentist practicing dentistry for any health care center as defined and authorized in section 330 of the public health service act, codified as amended at 42 U.S.C. 254b; or
- (14) Supervise more than three (3) dental therapists; or
- (15) Require directly, or as a member, representative, contracted agent, or employee of or in connection with any company, association, corporation, or partnership, that a patient sign an agreement limiting his right or ability to file a complaint with the board.

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, 2022.

CHAPTER 35  
(H.B. No. 526)

AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-335, IDAHO CODE, TO PROVIDE FOR REINSTATEMENT OF COMMERCIAL DRIVER'S LICENSES UNDER CERTAIN CIRCUMSTANCES AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-335, Idaho Code, be, and the same is hereby amended to read as follows:

49-335. DISQUALIFICATIONS AND PENALTIES -- COMMERCIAL DRIVER'S LICENSE. (1) Any person who operates a commercial motor vehicle or who holds a class A, B or C driver's license is disqualified from operating a commercial motor vehicle for a period of not less than one (1) year if convicted in the form of a judgment or withheld judgment of a first violation under any state or federal law of:

- (a) Operating a motor vehicle while under the influence of alcohol or a controlled substance;
- (b) Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath or bodily substance is 0.04 or more;
- (c) Leaving the scene of an accident involving a motor vehicle driven by the person;
- (d) Using a motor vehicle in the commission of any felony;
- (e) Operating a commercial motor vehicle when the person's class A, B or C commercial driver's license driving privileges were revoked, suspended or canceled, or during a time when such person was disqualified from operating a commercial motor vehicle, if the reason for such revocation, suspension, cancellation or disqualification was the result of a violation that occurred while the person was operating a commercial motor vehicle;
- (f) Causing a fatality through negligent operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.

(2) Any person who operates a commercial motor vehicle or who holds a class A, B or C driver's license is disqualified from operating a commercial motor vehicle for a period of not less than one (1) year if the person refuses to submit to or submits to and fails a test to determine the driver's alcohol, drug or other intoxicating substances concentration while operating a motor vehicle.

(3) If any of the offenses specified in subsection (1) or (2) of this section occurred while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three (3) years.

(4) A person is disqualified for the period of time specified in 49 CFR part 383 if found to have committed two (2) or more of any of the offenses specified in subsection (1) or (2) of this section, or any combination of those offenses, arising from two (2) or more separate incidents.

(5) A person is disqualified for the period of time specified in 49 CFR part 383 from operating a commercial motor vehicle who uses a motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession of a controlled substance with the intent to manufacture, distribute or dispense such controlled substance.

(6) A person is disqualified from operating a commercial motor vehicle for a period of not less than sixty (60) days if convicted of two (2) serious traffic violations, or one hundred twenty (120) days if convicted of three (3) or more serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three (3) year period. A conviction for reckless driving shall be considered a serious traffic violation if committed while operating a commercial motor vehicle or a noncommercial motor vehicle, as specified in 49 CFR part 383.

(7) A person who drives, operates, or is in physical control of a commercial motor vehicle within this state while having any detectable amount of alcohol in his system or who refuses to submit to an alcohol test must be placed out of service for twenty-four (24) hours and be subject to the provisions of section 18-8002, Idaho Code.

(8) It is unlawful to violate an out-of-service order. A person who is convicted in the form of a judgment or withheld judgment of a violation of an out-of-service order while driving a commercial motor vehicle is disqualified for not less than:

(a) One hundred eighty (180) days nor more than one (1) year for a first conviction;

(b) Two (2) years nor more than five (5) years for a second conviction arising from separate incidents during any ten (10) year period;

(c) Three (3) years nor more than five (5) years for three (3) or more convictions arising from separate incidents during any ten (10) year period.

(9) A person who is convicted in the form of a judgment or withheld judgment of a violation of an out-of-service order while driving a commercial motor vehicle and while transporting hazardous materials required to be placarded under the hazardous materials transportation act, or while operating motor vehicles designed to transport sixteen (16) or more people including the driver, is disqualified for not less than:

(a) One hundred eighty (180) days nor more than two (2) years for a first conviction;

(b) Three (3) years nor more than five (5) years for subsequent convictions arising from separate incidents in any ten (10) year period.

(10) A person is disqualified from operating a commercial motor vehicle if convicted of a railroad grade crossing violation as specified in 49 CFR part 383 or applicable state laws while operating a commercial motor vehicle. The disqualification shall be for a period of:

(a) Sixty (60) days for a first conviction;

(b) One hundred twenty (120) days for a second conviction during any three (3) year period;

(c) One (1) year for a third or subsequent conviction during any three (3) year period.

(11) A person is disqualified from operating a commercial motor vehicle if the federal motor carrier safety administration has determined the person's driving constitutes an imminent hazard, as defined in 49 CFR 383.5.

(a) An imminent hazard disqualification may not exceed one (1) year in duration. The driver, or a representative on his or her behalf, may file an appeal of the disqualification with the assistant administrator, adjudications counsel, federal motor carrier safety administration.

(b) Any imminent hazard disqualification transmitted by the federal motor carrier safety administration shall become a part of the driver's record.

(c) The imminent hazard disqualification shall run concurrent to any other existing disqualification.



(12) In addition to the disqualification periods in subsections (8) and (9) of this section, a driver who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than two thousand five hundred dollars (\$2,500) for the first conviction and not less than five thousand dollars (\$5,000) for any subsequent conviction.

(13) A person who is disqualified from holding a commercial driver's license pursuant to 49 CFR 383.51 and subsection (4) of this section may make application to the department for reinstatement after a minimum ten (10) year period of disqualification.

(a) To be eligible for reinstatement following a lifetime disqualification under 49 CFR 383.51 and pursuant to subsection (4) of this section, a person shall:

(i) Have a valid class D driver's license from Idaho or any other jurisdiction for a minimum of three (3) consecutive years prior to the date of application, provided that during such three (3) year period the applicant has not been incarcerated;

(ii) Meet all statutory requirements for issuance of a commercial driver's license or commercial learner's permit as a new commercial driver applicant;

(iii) Voluntarily and successfully complete the national safety council four (4) hour defensive driving course and the professional truck driver four (4) hour course and provide proof of completion of both courses to the department;

(iv) Submit a valid medical examiner's certificate, if applicable;

(v) Submit a criminal background check showing that the applicant has not been convicted of any alcohol or drug-related offenses for the ten (10) years prior to the date of application; and

(vi) If the lifetime disqualification was based on an alcohol or controlled substance conviction, submit proof of the applicant's successful completion of an appropriate rehabilitation program.

(b) A person who has been reinstated and issued a commercial driver's license under this subsection who subsequently is convicted of a disqualifying major offense under 49 CFR 383.51 shall not be eligible for future reinstatement of a commercial driver's license.

(c) The driving records for a person applying for reinstatement under this subsection shall be reviewed by the department. Such driving records shall include records regarding Idaho as well as any other jurisdiction. To be eligible for reinstatement as set forth in this subsection, such records for the ten (10) years preceding the date of application for reinstatement must be free of any convictions occurring in a commercial vehicle, any convictions or withdrawals related to alcohol or drugs, and any felony convictions involving a motor vehicle. Within the three (3) years preceding the date of application for reinstatement, the person's driving record must be free of any convictions requiring a mandatory withdrawal of driving privileges, whether in this state or any other jurisdiction.

(d) If a person has moved from another jurisdiction that issued the lifetime disqualification, that jurisdiction must be willing to reinstate the disqualification or the person will remain ineligible for a commercial driver's license in 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 July 1, 2022.

CHAPTER 36  
(H.B. No. 537)

AN ACT

RELATING TO JURY SELECTION AND SERVICE; AMENDING SECTION 2-219, IDAHO CODE, TO REVISE A PROVISION REGARDING DELEGATION OF AUTHORITY BY ADMINISTRATIVE JUDGES AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 2-219, Idaho Code, be, and the same is hereby amended to read as follows:

2-219. DELEGATION OF AUTHORITY BY ADMINISTRATIVE JUDGES. Administrative judges are authorized to delegate their duties and responsibilities under this act to district judges or ~~duly appointed~~ magistrates within their respective districts.

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, 2022.

Approved March 14, 2022

CHAPTER 37  
(H.B. No. 516)

AN ACT

RELATING TO PUBLIC HEALTH DISTRICTS; AMENDING SECTION 39-413, IDAHO CODE, AS AMENDED BY SECTION 4, CHAPTER 336, LAWS OF 2021, TO PROVIDE FOR THE ESTABLISHMENT OF A PERSONNEL SYSTEM BY THE DISTRICT HEALTH DIRECTOR AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-413, Idaho Code, as amended by Section 4, Chapter 336, Laws of 2021, 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, for the conduct and duties of the district employees, for the orderly and efficient handling of business, and for 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.~~ Establish a personnel system to support rates of pay for appointments, promotions, demotions, and separations and to perform such other personnel actions as are needed. 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 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after March 1, 2022.

Approved March 14, 2022

CHAPTER 38  
(H.B. No. 551)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1305, IDAHO CODE, TO PROVIDE FOR BOARD SUBPOENA AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-1305, Idaho Code, be, and the same is hereby amended to read as follows:

59-1305. POWERS AND DUTIES OF BOARD -- INDEMNIFICATION. (1) The board shall have the power and duty, subject to the limitations of this chapter, of managing the system. It shall have the powers and privileges of a corporation, including the right to sue and be sued in its own name as such board. Members of the retirement board, retirement system staff and retirement system mortgage and investment committee members shall, jointly and individually, be provided a defense and indemnified against all claims, demands, judgments, costs, charges and expenses, including court costs and attorney's fees, and against all liability losses and damages of any nature whatsoever that arise out of and in the course and scope of their official duties and functions, but only if the defense and indemnity for such person's wrongful act or omission are not provided by chapter 9, title 6, Idaho

Code, and the wrongful act or omission of the person was not intentional, willful or wanton misconduct, fraudulent, or a knowing violation of law. The board may, as a fiduciary of the trust, determine to provide a defense and indemnity hereunder. The board may, as a fiduciary of the trust, determine to refuse a defense, or disavow and refuse to pay any judgment against a board member, retirement system staff, or retirement system mortgage and investment committee member if it is determined that such person was not within the course and scope of his official duties and functions or his conduct was intentional misconduct, willful, wanton, fraudulent, or a knowing violation of the law. Any defense and indemnity provided under this section shall be an expense of the trust, and the board is authorized but not required to purchase insurance to protect against such risks notwithstanding any other provision of law. No contribution or indemnification, or reimbursement for legal fees and expenses related to such defense or indemnification, shall be sought from any person defended or indemnified under this section unless the court in which the underlying claim was brought finds that the act or omission of the person was outside the course and scope of his official duties and functions or was intentional, willful or wanton misconduct, fraudulent, or a knowing violation of law. Any action by the trust against a board member, retirement system staff, or mortgage and investment committee member, and any action by a person against the trust for contribution, indemnification or necessary legal fees and expenses, shall be tried to the court in the same civil lawsuit brought on the claim against the retirement board member, retirement system staff, or retirement system mortgage and investment committee member. The venue of all actions in which the board is a party shall be Ada county, Idaho.

(2) The board shall appoint an executive director to serve at its discretion. The executive director shall be the secretary to the board, bonded as is required by the board, and shall perform such duties as assigned by the board. The executive director shall be authorized to designate a staff member as acting director or secretary in the director's absence.

(3) The board shall authorize the creation of whatever staff it deems necessary for sound and economical administration of the system. The executive director shall hire the persons for the staff who shall hold their respective positions subject to the rules of a merit system for state employees. The salaries and compensation of all persons employed for purposes of administering the system shall be fixed by the board and as otherwise provided by law.

(4) The board shall obtain all actuarial, audit, legal and medical services it deems appropriate for the system. It shall cause a competent actuary who is a member of the academy of actuaries and who is familiar with public systems of pensions to be retained on a consulting basis. The actuary shall be the technical advisor of the board on matters regarding the operation of the system. During the first year of operation of the system and at least once every four (4) years thereafter, the actuary shall make a general investigation of the suitability of the actuarial tables used by the system. The board shall adopt the actuarial tables and assumptions in use by the system and may change the same in its sole discretion at any time. The actuary shall make an annual valuation of the liabilities and reserves of the system, and an annual determination of the amount of contributions required from the employers under this chapter, and certify the results thereof to the board. The actuary shall also perform such other duties as may be assigned by the board. An independent financial audit shall be conducted annually or as frequently as otherwise determined by the board.

(5) The board shall establish the system's office or offices to be used for the meetings of the board and for the general purposes of the administrative personnel. The board shall provide for the installation of a complete and adequate system of accounts and records for administering this chapter. All books and records shall be kept in the system's offices.

(6) If the board determines that it has previously overpaid or underpaid benefits provided under this chapter or chapter 14, title 72, Idaho Code, it shall correct the prior error. In the event of prior underpayment, the board shall forthwith pay the amount of the underpayment together with regular interest thereon. In the event of prior overpayment, the board may offset future benefit payments by the amount of the prior overpayment together with regular interest thereon. Any such decision to offset future benefit payments shall be administratively and judicially reviewable as provided in section 59-1314, Idaho Code. Nothing herein contained shall be construed to limit the rights of a member or the board to pursue any other remedy provided by law.

(7) (a) For the collection of an overpayment, the board shall have the power to issue subpoenas to financial institutions to compel the production of evidence to determine if persons other than a deceased retiree or a deceased beneficiary have access to an account.

(b) Any subpoena issued pursuant to this section may be enforced by the district courts of Ada county. The court shall have jurisdiction to hear the parties, determine the reasonableness of the subpoena, and to set aside, modify, or enforce the subpoena by its order in accordance with the evidence. Any failure to obey such court order may be punished by the court as a contempt thereof.

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, 2022.

Approved March 14, 2022

CHAPTER 39  
(H.B. No. 552)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1326, IDAHO CODE, TO PROVIDE FOR WITHDRAWAL PENALTIES AND TO REVISE A PROVISION REGARDING PARTIAL WITHDRAWAL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-1326, Idaho Code, be, and the same is hereby amended to read as follows:

59-1326. PROCEDURE FOR COMPLETE OR PARTIAL WITHDRAWAL OF POLITICAL SUBDIVISIONS FROM THE SYSTEM -- CALCULATION OF WITHDRAWAL LIABILITY PENALTY -- INDEMNIFICATION. (1) A political subdivision, through its governing body, may by resolution adopted by two-thirds (2/3) of the members of the governing body, declare its intent to withdraw completely from the system and to submit the question of withdrawing from the system to the active members of the political subdivision. The political subdivision shall notify its employees and the retirement board, in writing, of its action, and shall advise the active members of their right to vote for or against withdrawal, as provided in subsection (2) of this section. A political subdivision shall automatically be considered to have requested a complete withdrawal from the system on the date the political subdivision permanently ceases to employ active members. A withdrawing political subdivision shall be required to make withdrawal liability penalty payments as provided in this section.

(2) All active members of the withdrawing political subdivision shall be allowed to vote by secret ballot for or against allowing the political subdivision to completely withdraw from the system. More than fifty percent (50%) of the withdrawing political subdivision's active members must approve the complete withdrawal at least thirty (30) days before the effective withdrawal date. All active members of the withdrawing political subdivision who are on the political subdivision's payroll thirty (30) days before the effective withdrawal date shall be allowed to vote. If more than fifty percent (50%) of the withdrawing political subdivision's active members fail to vote for complete withdrawal, the political subdivision shall not be allowed to withdraw. Fifteen (15) days before the effective withdrawal date, the governing board of the withdrawing political subdivision shall certify to the retirement board the results of the voting by the active members.

(3) Partial withdrawal occurs for a political subdivision when its average membership declines ~~from one fiscal year to the next for two (2) consecutive fiscal years either~~ by more than twenty-five (25) members and or by twenty-five percent (25%) of the average membership ~~in the earlier year. For purposes of this subsection, t~~The effective date of partial withdrawal is the first day after the end of the ~~later year two (2) consecutive fiscal year period. "Average membership" for a two (2) consecutive fiscal year period shall equal be calculated as one-twelfth twenty-fourth (1/124) of the sum of the number of active members employed during each month of that year such pe-~~riod.

(4) Complete withdrawal by a political subdivision shall be on the first day of the month following the date the political subdivision ceases to employ active members or the first day of the month following sixty (60) days from the date the board receives the political subdivision's written request to withdraw. However, the complete withdrawal date shall not occur before the withdrawal liability penalty is determined, as provided in subsection (7) of this section.

(5) After complete withdrawal, all employees of the withdrawing political subdivision shall be ineligible to accrue future benefits with the system due to employment with the withdrawing political subdivision. The withdrawing political subdivision shall be ineligible to request to be included in the system, as provided in section 59-1321, Idaho Code, for five (5) years after its complete withdrawal date.

(6) All active or inactive members of the political subdivision shall be eligible for benefits accrued with the system up to the complete withdrawal date. However, no retirement allowance or separation benefit shall be paid until the member actually separates from service with the withdrawing political subdivision, and there is no guarantee of right to ~~re-employment~~ reemployment made by the withdrawing political subdivision. If the person returns to employment with the same withdrawing political subdivision within ninety (90) days, any separation benefit or retirement allowance paid to the person shall be repaid to the system.

(7) On the date of complete withdrawal, the ~~withdrawal liability of penalty for an employer~~ is (a) multiplied by the ratio of (b) to (c) as follows:

(a) The excess of the actuarial present value of the vested accrued benefits of the system's members over the fair value of its assets, both as of the date of the last actuarial valuation adopted by the board prior to the complete withdrawal date based on the assumption that thirty percent (30%) of all terminating employees will eventually return to employment covered by the system and that future cost-of-living allowances as provided in section 59-1355, Idaho Code, will be at a rate of two percent (2%) per year;

(b) The total present value of accrued benefits of all active members of the withdrawing political subdivision as of the last actuarial valuation adopted by the board prior to the complete withdrawal date;

(c) The total present value of accrued benefits of all active members of the system as of the last actuarial valuation adopted by the board prior to the complete withdrawal date.

The actuarial costs to determine the amount described in ~~subsection (7)~~ paragraph (b) of this subsection shall be paid by the withdrawing political subdivision.

(8) On the date of partial withdrawal, the ~~withdrawal liability of~~ penalty for an employer is the same as if complete withdrawal had occurred, multiplied by one (1) minus the ratio of (a) to (b) as follows:

(a) The average membership of the employer estimated by the board for the year commencing on such date;

(b) The average membership of the employer during the second complete fiscal year prior to such date.

(9) The withdrawing political subdivision shall enter into a contract with the system which ~~that~~ establishes terms for the political subdivision's payment of its withdrawal liability penalty. The contract shall use an interest rate equal to the interest rate used in the actuarial valuation adopted by the board prior to the withdrawal date, net of actuarially assumed investment expenses. The contract shall not extend the duration of the ~~withdrawal liability penalty~~ payments beyond ten (10) years or the end of the current amortization period, whichever is less. The contract shall be a financial obligation of the withdrawing political subdivision and any of its successors and assigns. "Current amortization period" means the period over which the amortization payment rate times the actuarial present value of the projected salaries is equivalent to the unfunded actuarial ~~liability~~ penalty, all determined by the current valuation last adopted by the board prior to the complete withdrawal date.

(10) Upon the complete withdrawal of the political subdivision, the system shall have no further legal obligation to the political subdivision or its employees, ~~nor shall and the system shall not be held accountable for the continued future accrual of any retirement benefit rights to which such employees may be entitled beyond the complete withdrawal date~~. Any litigation regarding the forfeiture of any benefits because of the political subdivision's complete withdrawal from the system shall be the sole legal responsibility of the withdrawing political subdivision, and the withdrawing political subdivision shall indemnify and hold harmless the system, its board, its employees, and the state of Idaho, from any claims, losses, costs, damages, expenses, and liabilities, including without limitation, court costs and reasonable attorney's fees, asserted by any person or entity as a result of the political subdivision's withdrawal from the 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 July 1, 2022.

Approved March 14, 2022

CHAPTER 40  
(H.B. No. 553)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1305A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING BACKGROUND CHECKS FOR CERTAIN EMPLOYEES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1305A, Idaho Code, and to read as follows:

59-1305A. CRIMINAL HISTORY CHECKS. (1) The public employee retirement system of Idaho (PERSI), through the cooperation of the Idaho state police, shall establish a system to obtain a criminal history check on individuals, including but not limited to classified and nonclassified employees as defined in section 67-5302, Idaho Code, those who will have access to personally identifiable information, and those who will have access to initiate or approve financial transactions. The criminal history check shall be based on a completed ten (10) finger fingerprint card or scan and shall include, at a minimum, information from the following state and national databases:

- (a) The Idaho bureau of criminal identification; and
- (b) The federal bureau of investigation.

(2) PERSI shall charge all such individuals a fee necessary to cover the cost of undergoing a criminal history check pursuant to this section. The total fee shall be sufficient to cover the net costs charged by the federal bureau of investigation and the Idaho state police. A record of all background checks shall be maintained by PERSI. A copy shall be provided to the applicant upon request.

(3) The Idaho state police and PERSI shall implement a joint exercise of powers agreement pursuant to sections 67-2328 through 67-2333, Idaho Code, necessary to implement the provisions of this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 14, 2022



CHAPTER 41  
(S.B. No. 1227)

AN ACT

RELATING TO WATER; REPEALING CHAPTER 2, TITLE 70, IDAHO CODE, RELATING TO THE COEUR D'ALENE RIVER AND LAKE COMMISSION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 2, Title 70, Idaho Code, be, and the same is hereby repealed.

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, 2022.

Approved March 14, 2022

CHAPTER 42  
(S.B. No. 1232)

AN ACT

RELATING TO ARCHITECTS AND LANDSCAPE ARCHITECTS; AMENDING SECTION 54-303, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-307, IDAHO CODE, TO PROVIDE FOR THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS; AMENDING SECTION 54-3002, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3003, IDAHO CODE, TO PROVIDE FOR THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-303, Idaho Code, be, and the same is hereby amended to read as follows:

54-303. DEFINITIONS. As used in this chapter:

(1) "Architect" means a person who engages in the practice of architecture as defined in this section and is licensed under the provisions of this chapter.

(2) "Architectural intern" means a person enrolled in a national council of architectural registration boards' architectural experience program and who, in fulfillment of the requirements of that program, is working under the direct supervision of an architect licensed under this chapter.

(3) "Board" means the board of ~~architectural examiners~~ architects and landscape architects.

(4) "Building" means an enclosure, including related improvements, that has as its principal purpose the adaptation of space for occupancy or habitation by human beings.

(5) "Practice of architecture" means rendering or offering those services described in this subsection in connection with the design, construction, enlargement or alteration of a building or a group of buildings. The services covered within this definition include architectural planning, advice and consultation; providing preliminary studies; architectural designs, drawings and specifications; technical submissions; and administration of construction contracts.

(6) "Prototypical building" means any commercial building or space within a commercial building that is intended to be constructed in multiple locations, that has been constructed in multiple locations and that conveys an owner's intended uniform business program, plan or image.

(7) "Prototypical building documents" means technical submissions for prototypical buildings that:

(a) Are prepared by or under the responsible control of an architect then licensed in any jurisdiction and holding the certification issued by the national council of architectural registration boards;

(b) Identify the architect, together with the architect's license number and jurisdiction or the architect's license and national council of architectural registration boards certification number; and

(c) Are marked "prototypical design documents not for construction." Prototypical building documents do not comprise a final, comprehensive set of design and construction documents because a prototypical building also requires adaptations for local conditions, including site conditions, and may require additional design.

(8) "Responsible control" means that amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the required professional standard of care. Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed knowledge of the content of such submissions throughout their preparation.

(9) "Technical submissions" involving the practice of architecture consist of designs, drawings, specifications, studies and other technical reports prepared in the course of practicing architecture.

SECTION 2. That Section 54-307, Idaho Code, be, and the same is hereby amended to read as follows:

54-307. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby created in the division of occupational and professional licenses a board of architectural examiners architects and landscape architects.

(2) The board shall consist of six seven (67) members, five four (54) of whom shall be licensed architects and shall have been residents of and lawfully practicing architects within the state of Idaho for a period of at least five (5) years directly preceding appointment, and one (1) of whom shall be a member of the public with an interest in the rights of the consumers of architectural services. At all times, the board shall have at least one (1) member who is engaged primarily in professional architectural education, two (2) of whom shall be licensed landscape architects, and one (1) of whom shall be a member of the public with an interest in the rights of the consumers of architectural services.

(3) The regular term of office of a member shall begin as of the first Monday immediately following the date of his appointment and shall continue for five (5) years thereafter and until his successor shall have been appointed and accepted his appointment. A member appointed to fill a vacancy occasioned otherwise than by expiration of a term shall serve the unexpired term of his predecessor. No members shall be appointed for a period exceeding two (2) consecutive terms. Any member who has served two (2) consecutive

terms may be reappointed after a lapse of five (5) years from the termination date of his last term.

(4) Board members shall be appointed by the governor and shall serve at the pleasure of the governor.

(5) In the event of death, resignation, incapacity, disqualification or removal, a vacancy in membership shall be declared by the board and filled for the unexpired portion of the term in the same manner as the original appointment.

(6) The board shall, at least annually, hold a meeting and elect a chairman. The board may hold additional meetings at the call of the chairman or at the request of any two (2) members of the board.

(7) A majority of the members of the board shall constitute a quorum.

(8) Members of the board shall receive an honorarium and be reimbursed for expenses as provided in section 59-509(p), Idaho Code.

SECTION 3. That Section 54-3002, Idaho Code, be, and the same is hereby amended to read as follows:

54-3002. DEFINITIONS. As used in this chapter:

(1) "Landscape architect" means a person who holds a license to practice landscape architecture in the state of Idaho under the authority of this chapter.

(2) "Landscape architecture" means the performance of professional services such as consultations, investigation, reconnaissance, research, planning, design or responsible supervision in connection with the development of land and incidental water areas where, and to the extent that the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, approaches to buildings, structures, facilities or other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, light or other hazards, but shall not include the application of geological principles. This practice shall include the location, design and arrangement of such tangible objects as pools, walls, steps, trellises, canopies, and features as are incidental and necessary to the purposes outlined herein, but shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, such as are ordinarily included in the practice of engineering or architecture; and shall not include the making of cadastral surveys or final land plats for official recording or approval. It involves the design and arrangement of land forms and the development of outdoor space, including, but not limited to, the design of public parks, playgrounds, cemeteries, home and school grounds, and the development of industrial and recreational sites.

(3) "Board" means the ~~Idaho state~~ board of architects and landscape architects.

(4) "Department" means the department of self-governing agencies of the state of Idaho.

(5) "Landscape architect-in-training" means a person who has met the qualifications of section 54-3003(2)(a) and (b), Idaho Code, and is working under the supervision of a licensed landscape architect. A landscape architect-in-training shall use the title "landscape architect-in-training" in accordance with board rule.

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

(7) "Rules of professional responsibility" means those rules, if any, promulgated by the board.

SECTION 4. That Section 54-3003, Idaho Code, be, and the same is hereby amended to read as follows:

54-3003. QUALIFICATIONS -- EXAMINATIONS -- BOARD -- LICENSES -- FEES -- ENDORSEMENT -- EXEMPTIONS -- INDIVIDUALS, PARTNERSHIPS AND CORPORATIONS -- RESTRICTION ON USE OF NAME -- SEAL. (1) Application and practice. In order to safeguard human health and property, and to promote the public welfare, any person in either public or private capacity practicing or offering to practice landscape architecture shall be required to submit evidence of qualifications to practice and shall be issued a license under the provisions of this chapter.

(2) Qualifications. For licensure as a landscape architect, evidence must be submitted to the board that the applicant:

(a) Is eighteen (18) years of age or older;

(b) Has graduated from a college or school of landscape architecture approved by the board. In lieu of graduation from an approved college or school of landscape architecture, an applicant may present evidence of at least eight (8) years of actual, practical experience in landscape architecture of a grade and character satisfactory to the board, as established by rule, that the applicant is competent to practice landscape architecture; and

(c) Has successfully passed an examination approved by the board.

(3) Examinations. The board shall adopt rules covering the subjects and scope of the examinations. Every applicant for license as a landscape architect shall be required, in addition to all other requirements, to establish by written examination his competency to plan, design, specify and supervise the installation and construction of landscape architectural projects. Each written examination may be supplemented by such oral examinations as the board may determine.

(4) ~~The board.~~

~~(a) There is hereby created in the division of occupational and professional licenses an Idaho state board of landscape architects. The board shall consist of two (2) landscape architects and one (1) member of the public with an interest in the rights of the consumers of landscape architect services. Members of the board shall be appointed by and shall serve at the pleasure of the governor and must be residents of this state. The terms of the members of the board shall be for four (4) years. Each member shall hold office until the appointment and qualification of his successor. Vacancies occurring prior to the expiration of the term shall be filled by appointment in like manner for the unexpired term.~~

~~(b) Board powers.~~ The board shall have, in addition to the powers set forth elsewhere in this chapter, the following powers and duties:

~~(ia) To authorize, by written agreement, the division of occupational and professional licenses to act as agent in its interest, and to make such rules as shall be necessary in the performance of its duties;~~

~~(iib) To adopt rules of professional responsibility;~~

~~(iiic) To adopt rules requiring the completion of continuing education by each licensee on an annual basis;~~

(ivd) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding against a licensee under this chapter, to administer oaths, take depositions of witnesses within or outside of the state in the manner provided by law in civil cases, and to apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records and papers as the board deems necessary in a disciplinary proceeding against a licensee. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, which fees and mileage shall be paid in the same manner as other board expenses. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or refusal of any witness to testify to any matter about which he may lawfully be interrogated, it shall be the duty of any district court in this state on application by the board to compel compliance with the subpoena by conducting proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena.

~~(c) The board shall elect, at its first meeting of every calendar year, a chairman from its members. In carrying out the provisions of this chapter, all members of the board shall be compensated as provided by section 59-509(m), Idaho Code. Payment of travel and other expenses shall be made from the occupational licenses fund.~~

(5) Renewal and reinstatement -- Revenue.

(a) All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code.

(b) Amounts. The amount of fees shall be as determined by the board within the following stated limits:

(i) The application fee not to exceed one hundred dollars (\$100).

(ii) The fee for examination to be established by board rule not to exceed that charged by the council of landscape architectural registration boards plus a fifty-dollar (\$50.00) processing fee. The board may recover the actual costs associated with an applicant's review of a failed examination.

(iii) The fee for an original license and the annual license fee not to exceed two hundred dollars (\$200).

(c) Refund. Fees shall be nonrefundable.

(d) Deposit. All fees received under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational licenses fund, and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from said fund for such purposes, and the funds collected hereunder shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding. In no instance will the occupational licenses fund be obligated to pay any claims that in aggregate with claims already paid exceed the income to the occupational licenses fund, which has been derived by the application of this chapter.

(e) Appropriation. The money paid into the occupational licenses fund is continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and in carrying out and enforcing the provisions of this chapter.

(6) Endorsement provisions. The board may approve for licensure:

(a) An individual with a current council of landscape architectural registration boards (CLARB) certification; or

(b) With limited examination, an applicant who is legally registered or licensed as a landscape architect in any other state or country whose requirements for registration or licensure are at least substantially equivalent to the requirements of this state.

(7) Exemptions.

(a) None of the provisions of this chapter shall prevent employees of those lawfully practicing as landscape architects from acting under the instruction, control or supervision of their employers.

(b) None of the provisions of this chapter shall apply to the business conducted in this state by any land use planner, horticulturist, nurseryman, or landscape nurseryman, gardener, landscape gardener, landscape designer, or landscape contractor, as these terms are generally used, or any other person, including, but not limited to, their right to plan and supervise in connection therewith, except that no such person shall use the designation "landscape architect," "landscape architecture," or any description tending to convey the impression that they are a licensed landscape architect unless they are registered as provided in this chapter.

(c) This chapter shall not apply to architects, professional engineers, geologists, and land surveyors licensed to practice their respective professions.

(8) This chapter applies to individuals only.

(a) All licenses shall be issued to individuals only, but nothing contained in this chapter shall prevent a duly licensed landscape architect from rendering professional services for a corporation, firm, partnership or association.

(b) Partners. Each partner in a partnership of landscape architects shall be licensed to practice landscape architecture or to provide allied professional services as defined in section 30-21-901, Idaho Code. Subject to this requirement, a partnership of landscape architects may use a partnership name if such name consists of:

(i) The names of two (2) or more landscape architects; or

(ii) The names of one (1) or more landscape architects and one (1) or more professional engineers or architects.

(c) Any person applying to the official of any county or city for a business license to practice landscape architecture shall at the time of such application exhibit to such official satisfactory evidence that such applicant possesses a current Idaho license. The business license shall not be granted until such evidence is presented, any contrary provision of any special act or general act notwithstanding.

(9) Qualifications for practice -- ~~Seal~~; seal.

(a) No person shall use the designation "landscape architect" or "landscape architecture" or advertise any title or description tending to convey the impression that the person is a landscape architect, or practicing landscape architecture, unless such person is a licensed landscape architect. Every holder of a license shall display it in the principal office, place of business, or place of employment.

(b) Every landscape architect shall have a seal approved by the board, ~~which shall contain~~ that contains the name of the landscape architect and the words "Licensed Landscape Architect, State of Idaho," and such other words or figures as the board may deem necessary and prescribe.

(i) The seal may be a rubber stamp or an electronically applied seal. Whenever the seal is applied, the licensee's written signature and the date shall be adjacent to or across the seal. The seal, signature and date shall be placed on all final reports, drawings and title pages of specifications, design information and calculations. Whenever presented to a client or to the public, such documents that are not final and do not contain a seal, signature and date, shall be clearly marked as "preliminary," "draft," "not for construction" or similar words to distinguish the documents from a finished product.

(ii) The application of the licensee's seal, signature and the date shall constitute certification that the work thereon was prepared by such landscape architect or under the supervision of such landscape architect. Each plan or drawing sheet shall be sealed and signed by the licensee or the licensee's agent responsible for each sheet. The principal landscape architect in charge shall sign and seal the title or first sheet. Copies of electronically produced documents listed in subparagraph ~~(b)~~(i) of this ~~subsection~~ paragraph that are distributed for informational use, such as for bidding purposes or working copies, may be issued with the licensee's seal and a notice that the original document is on file with the licensee's signature and date. The words "original signed by:" and "date signed:" shall be placed adjacent to or across the seal of the electronic original. The storage location of the original documents shall also be provided. Only the title page of reports, specifications and like documents need bear the seal and signature of the licensee and the date.

(iii) Nothing contained herein shall be construed to permit a landscape architect to practice as a licensed architect, a licensed professional engineer or a licensed land surveyor as these professions are defined by Idaho Code; provided however, nothing contained herein shall be construed to prevent a landscape architect from practicing landscape architecture.

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, 2022.

Approved March 14, 2022

CHAPTER 43  
(S.B. No. 1235)

AN ACT

RELATING TO PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS; AMENDING SECTION 31-3205, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 50-1301, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 50-1304, IDAHO CODE, TO REVISE PROVISIONS REGARDING PLATS; AMENDING SECTION 54-1202, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-1215, IDAHO CODE, TO REVISE PROVISIONS REGARDING SEALS; AMENDING SECTION 55-1603, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 55-1604, IDAHO CODE, TO PROVIDE FOR CERTAIN CORNERS USED AS TIES; AMENDING SECTION 55-1902, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1906, IDAHO CODE, TO PROVIDE FOR CERTAIN MONUMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 31-3205, Idaho Code, be, and the same is hereby amended to read as follows:

31-3205. RECORDER'S FEES. (1) The county recorder is allowed and may receive for his services the following fees to be paid him by the party procuring his services:

(a) Except as otherwise set forth in this section, for recording every instrument, paper or notice, for the first page ..... \$10.00  
For each additional page ..... \$3.00

(b) For recording each of the following types of instruments, provided such instrument is thirty (30) pages or less:

(i) Deeds, grants and transfers of title to real property ..... \$15.00

(ii) Trust deeds or mortgages of real property, including fixture filings, security agreements and assignments of leases and rents if contained within the same instrument for recording .... \$45.00

(iii) Reconveyances of trust deeds, reconveyances of trust deeds that include a substitution of trustee if contained within the same instrument for recording, and releases of mortgages . \$15.00

(iv) Substitution of a trustee ..... \$10.00

(v) Powers of attorney ..... \$25.00

For each additional page beyond thirty (30) pages for an instrument listed in this paragraph ..... \$3.00

(c) For electronic copies (as defined in subsection (2) of this section) requested on a recurring basis, for each page or image ..... 5¢

(d) For copies of any record or paper, for each page ..... \$1.00

(e) For each certificate under seal, when required ..... \$1.00

(f) For release or assignment where more than one (1) document is released or assigned in the same instrument, for each additional release or assignment ..... \$1.00

(g) For recording every town plat or map, for the first one hundred (100) lots or less ..... \$11.00

~~And for~~ For each additional lot ..... 5¢

(h) For taking acknowledgments, including seal ..... \$1.00

(i) For filing a survey, for each page ..... \$5.00

(j) For making a copy of a survey or highway right-of-way plat ... \$4.00

(k) For issuing marriage license, filing, recording and indexing the certificate of marriage and taking and filing affidavits required in issuance of the license ..... \$11.00



- (1) For administering an oath, including jurat ..... \$1.00  
 And certifying the same when required, an additional ~~sum~~ fee of .. \$1.00
- (m) For comparing and certifying a prepared copy of a file or record in his office, for each page ..... 50¢
- (n) For each certificate under seal, ~~there shall be~~ an additional fee of ..... \$1.00
- (2) Electronic copies shall include copies provided via internet download, on a compact disc, zip disc, floppy disc, or other electronic means. The county recorder shall provide electronic copies if the record is maintained in electronic form and if the person specifically requests an electronic copy.
- (3) For duplication of recorded documents in paper, microfilm or microfiche format requested on a recurring basis in excess of one hundred (100) pages, the fee shall be negotiated between the county recorder and the purchaser of records. The fee shall not exceed the costs to the county recorder for the retrieval and duplication of the record. These negotiated fees shall be recommended by the county recorder and approved by the board of county commissioners. Any existing agreements for duplication of paper, microfilm or microfiche documents in excess of one hundred (100) pages are hereby ratified and approved. Any negotiated fees shall remain in effect until such time as either party requests a review of the fee.
- (4) All instruments delivered to the county recorder for record shall be recorded rather than filed with the exception of plats, surveys, ~~cornerstone markers~~ corner records, and instruments under the uniform commercial code.
- (5) For all other services as recorder, not enumerated herein, the fee shall be as fixed in the statute requiring the service or the same fee as allowed the clerk of the district court for like service.
- (6) A page shall not exceed fourteen (14) inches in length nor eight and one-half (8 1/2) inches in width. Each page shall be typewritten or be in legible writing. The recording fee to be charged for maps, sketches, drawings or other instruments except plats larger than the size permitted in this subsection for a page shall be two cents (2¢) per square inch.

SECTION 2. That Section 50-1301, Idaho Code, be, and the same is hereby amended to read as follows:

50-1301. DEFINITIONS. The following definitions shall apply to terms used in this section and sections 50-1302 through 50-1334, Idaho Code.

(1) Basis of bearing: The bearing in degrees, minutes and seconds, or equivalent, of a line between two (2) monuments or two (2) monumented corners that serves as the reference bearing for all other lines on the survey. A description of the bearing system used to include a complete citation of the datum, epoch, and name of the published projection used must be shown on the survey. If a custom projection is used, the datum, epoch, and defining parameters of the projection sufficient to replicate the bearing system shall also be shown on the survey. For surveys where the bearing system is shown in accordance with this subsection, the convergence angle computed at a minimum of one monument on the survey must be shown.

(2) Easement: A right of use, falling short of ownership, and usually for a certain stated purpose;

(3) Functioning street department: A city department responsible for the maintenance, construction, repair, snow removal, sanding and traffic control of a public highway or public street system which qualifies such department to receive funds from the highway distribution account to local units of government pursuant to section 40-709, Idaho Code;

(4) GLO: The general land office and its successor agency, the United States department of the interior, bureau of land management;

(5) Idaho coordinate system: That system of coordinates established and designated by chapter 17, title 55, Idaho Code;

(56) Land survey: Measuring the field location of corners that:

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

(b) Retrace or establish land boundaries;

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

(d) Plat lands and subdivisions thereof.

(67) Monument: A physical structure or object that occupies the position of a corner intended to mark, reference, or witness a line, corner, or position;

(78) Owner: The proprietor of the land (having legal title);

(89) Plat: The drawing, map or plan of a subdivision, cemetery, townsite or other tract of land, or a replatting of such, including certifications, descriptions and approvals;

(910) Private road: A road within a subdivision plat that is not dedicated to the public and not a part of a public highway system;

(101) Public highway agency: The state transportation department, any city, county, highway district or other public agency with jurisdiction over public highway systems and public rights-of-way;

(112) Public land survey corner: Any point actually established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under authority delegated by congress to the U.S. general land office and the U.S. department of the interior, bureau of land management; however, this definition shall exclude GLO-surveyed townsite lot corners, except those marking exterior angle points or block corners within the townsite;

(123) Public right-of-way: Any land dedicated and open to the public and under the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain said right-of-way for vehicular traffic;

(134) Public street: A road, thoroughfare, alley, highway or bridge under the jurisdiction of a public highway agency;

(145) Reference point: A special monumented point that does not occupy the same geographical position as the corner itself and where the spatial relationship to the corner is known and recorded and that serves to locate the corner;

(156) Sanitary restriction: The requirement that no building or shelter, which will requires a water supply facility or a sewage disposal facility for people using the premises where such building or shelter is located, shall be erected until written approval is first obtained from the director of the department of environmental quality or his delegate approving plans and specifications either for public water and/or sewage facilities, or individual parcel water and/or sewage facilities;

(167) Street: A road, thoroughfare, alley, highway or a right-of-way which that may be open for public use but is not part of a public highway system nor or under the jurisdiction of a public highway agency;

(178) Subdivision: A tract of land divided into five (5) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future; provided that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes. A bona fide division or partition of agricultural land for agricultural purposes shall mean the division of land into lots, all of which are five (5) acres or larger, and maintained as agricultural lands. Cities or counties may adopt their own definition of subdivision in lieu of this definition;

(189) Witness corner: A monumented point on a lot line or boundary line of a survey, near a corner and established in situations where it is impracticable to occupy or monument the corner.

SECTION 3. That Section 50-1304, Idaho Code, be, and the same is hereby amended to read as follows:

50-1304. ESSENTIALS OF PLATS. (1) All plats offered for record in any county shall be upon stable base drafting film with a minimum base thickness of 0.003 inches. The image thereon shall be by a photographic process or a process by which a copy is produced using an ink jet or digital scanning and reproduction machine with black opaque drafting film ink or fused toner that will ensure archival permanence. The copy and image thereon shall be waterproof, tear resistant, flexible, and capable of withstanding repeated handling, as well as providing archival permanence. If ink or toner is used, the surface shall be coated with a suitable substance, if required by the county where the plat is to be recorded, to assure permanent legibility. Plats shall be eighteen (18) inches by twenty-seven (27) inches in size, with a three and one-half (3 1/2) inch margin at the left end for binding and a one-half (1/2) inch margin on all other edges. No part of the drawing or certificates shall encroach upon the margins. Signatures shall be in reproducible black ink. The sheet or sheets which contain the drawing or diagram representing the survey of the subdivision shall be drawn at a scale suitable to ensure the clarity of all lines, bearings and dimensions. In the event that any subdivision is of such magnitude that the drawing or diagram cannot be placed on a single sheet, serially numbered sheets shall be prepared and match lines shall be indicated on the drawing or diagram with appropriate references to other sheets. The required dedications, acknowledgments and certifications shall appear on any of the serially numbered sheets.

(2) The plat shall show:

(a) ~~t~~The streets and alleys, with widths and courses clearly shown;

(b) ~~e~~Each street named;

(c) ~~a~~All lots numbered consecutively in each block, and each block lettered or numbered, provided however, in a platted cemetery, that each block, section, district or division and each burial lot shall be designated by number or letter or name;

(d) ~~e~~Each and all lengths of the boundaries of each lot shall be shown, provided however, in a platted cemetery, that lengths of the boundaries of each burial lot may be shown by appropriate legend;

(e) ~~t~~The exterior boundaries shown by distance and bearing;

(f) ~~d~~Descriptions of survey monuments;

(g) The point of beginning with ties to at least two (2) public land survey corner monuments in one (1) or more of the sections containing the subdivision, or in lieu of public land survey corner monuments, to two (2) monuments recognized by the county surveyor; and also, if monuments from the following list:

(i) Public land survey corners;

(ii) Center of section, quarter section corners, or sixteenth section corners, any of which were not monumented in an original survey of the United States, provided such corners have a corner record meeting the current requirements of chapter 16, title 55, Idaho Code; or

(iii) Monuments recognized by the county surveyor.

Additionally, if required by the city or county governing bodies, give the plat shall provide coordinates based on the Idaho coordinate system.

(h) ~~t~~The easements;

(i) ~~b~~Basis of bearings, bearing and length of lines, graphic scale of plat, and north arrow;

(j) sSubdivision name; and

(k) nNarrative as described in section 55-1906, Idaho Code.

(3) When coordinates in the Idaho coordinate system are shown on a plat, the plat must show the national spatial reference system monuments and their coordinates used as the basis of the survey; the zone; the datum and adjustment; and the combined adjustment factor and the convergence angle and the location where they were computed.

(4) Plats that are re-subdivisions of subdivisions of record need not meet the requirements set forth in subsection (2) (g) of this section.

SECTION 4. That Section 54-1202, Idaho Code, be, and the same is hereby amended to read as follows:

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

(1) "Authoritative" means certified by a professional land surveyor in accordance with established principles of professional land surveying when used to describe products, processes, applications or data resulting from the practice of professional land surveying.

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

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

(4) "Business entity" means a corporation, professional corporation, limited liability company, professional limited liability company, general partnership, limited partnership, limited liability partnership, professional limited liability partnership or any other form of business except a sole proprietorship.

(5) "Consulting engineer" means a professional engineer whose principal occupation is the independent practice of professional engineering; whose livelihood is obtained by offering engineering services to the public; who is devoid of public, commercial and product affiliation that might tend to infer a conflict of interest; and who is cognizant of his public and legal responsibilities, and is capable of discharging them.

(6) "Engineer" means a person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences, and the principles and methods of engineering analysis and design, acquired by professional education and engineering experience.

(7) "Engineer intern" means a person who has ~~qualified for, taken and passed an examination in the fundamentals of engineering subjects~~ been duly certified as an engineer intern as provided in this chapter.

(8) "Land surveyor intern" means a person who has ~~qualified for, taken and passed an examination in the fundamentals of surveying subjects~~ been duly certified as a land surveyor intern by the board as provided in this chapter.

(9) "Professional boundary land survey" means land surveying services performed by a land surveyor licensed by this chapter and includes establishing, reestablishing, marking, or locating the corners or lines of:

- (a) Property boundaries;
- (b) The public land survey system;
- (c) Rights-of-way;
- (d) Easements;
- (e) Lease areas; or
- (f) Other interests in real property.

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

(11) "Professional engineering" and "practice of professional engineering" mean any service or creative work offered to or performed for the

public for any project physically located in this state, such as consultation, investigation, evaluation, planning, designing, design coordination, teaching upper division engineering design subjects, and responsible charge of observation of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, or to certify elevation information, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such service requires the application of engineering principles and data. A person shall be construed to practice or offer to practice professional engineering within the meaning and intent of this chapter who practices or offers to practice any of the branches of the profession of engineering for the public for any project physically located in this state or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way, represents himself to be a professional engineer or through the use of some other title implies that he is a professional engineer or that he is licensed under this chapter, or holds himself out as able to perform or who does perform for the public for any project physically located in this state, any engineering service or work or any other service designated by the practitioner which that is the practice of professional engineering.

(12) (a) "Professional land surveying" and "practice of professional land surveying" mean responsible charge of authoritative land surveying services using sciences such as mathematics, geodesy and photogrammetry and involving:

(i) The making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvement on the earth, and the space above, on or below the earth; and

(ii) Providing, utilizing or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions or projects. Professional services include acts of consultation, investigation, testimony, planning, mapping, assembling and interpreting and gathering measurements and information related to any one (1) or more of the following:

1. Determining by measurement the configuration or contour of the earth's surface or the position of any fixed objects;
2. Performing geodetic surveys to determine the size and shape of the earth or the position of any point on the earth;
3. Locating, relocating, establishing, reestablishing or retracing property lines or boundaries of any tract of land, road, right-of-way, easement or real property lease;
4. Making any survey for a division or subdivision or a consolidation of any tracts of land;
5. Locating or laying out of alignments, positions or elevations in the field for the construction of fixed works;
6. Determining, by the use of principles of surveying, the position for any boundary or nonboundary survey monument or reference point or for establishing or replacing any such monument or reference point;
7. Certifying elevation information;
8. Preparing narrative land descriptions; or
9. Creating, preparing or modifying electronic or other data necessary for the performance of activities in subparagraphs 1. through 8. of this paragraph.

(b) "Professional land surveying" and "practice of professional land surveying" shall not mean:

(i) Mapping or geographic information system work that is for nonauthoritative boundaries and nonauthoritative elevations;

(ii) Construction survey work that is unrelated to establishing vertical and horizontal project control; or

(iii) Construction staking of fixed works or the development and use of electronic models for machine-controlled construction that by design are unrelated to determining boundaries described in paragraph (a) (ii) 3. of this subsection.

Any person shall be construed to practice or offer to practice professional land surveying who engages in professional land surveying, or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way, represents himself to be a professional land surveyor, or who represents himself as able to perform or who does perform any professional land surveying service or work or any other service designated by the practitioner which that is professional land surveying.

(13) "Professional land surveyor" means a person who is qualified by reason of his knowledge of the principles of land surveying acquired by education and practical experience to engage in the practice of professional land surveying and who has been duly licensed as a professional land surveyor by the board under this chapter.

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

(15) "Responsible charge" means the control and direction of engineering work, or the control and direction of land surveying work, requiring initiative, professional skill, independent judgment and professional knowledge of the content of relevant documents during their preparation. Except as allowed under section 54-1223, Idaho Code, reviewing, or reviewing and correcting, documents after they have been prepared by others does not constitute the exercise of responsible charge.

(16) "Retired professional engineer" or "retired professional land surveyor" means a professional licensed under this chapter who chooses to place his license in retired status indicating he is no longer practicing or offering to practice professional engineering or professional land surveying.

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

~~(18) "Signature" means either: an original handwritten message identification containing the name of the person who applied it; or a digital signature, which is an electronic authentication process attached to or logically associated with an electronic document. The digital signature must be unique to the person using it; must be capable of verification; must be under the sole control of the person using it; and must be linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.~~

~~(19) "Standard design plan" means a building, structure, equipment or facility that is intended to be constructed or sited at multiple locations and for which some or all of the plans must be prepared by a professional engineer.~~

~~(2019) "Survey monuments used as control" means any monument marking, referencing, or used as a witness for a line or corner in any professional boundary land survey as defined in subsection (9) of this section.~~

SECTION 5. That Section 54-1215, Idaho Code, be, and the same is hereby amended to read as follows:

54-1215. LICENSE -- SEALS -- INTERN CERTIFICATES. (1) The board shall issue a license upon payment of the fee as provided for in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this chapter for licensure as a professional engineer or professional land surveyor, and a certificate shall be issued to those who qualify as an engineer intern or a land surveyor intern. In the case of a professional engineer, the license shall authorize the practice of "professional engineering," and in the case of a professional land surveyor, the

license shall authorize the practice of "professional land surveying." Licenses shall show the full name of the licensee, shall give a license number, and shall be signed by the chairman and the secretary of the board under seal of the board.

(2) The issuance of a license by the board shall be prima facie evidence that the person named therein is entitled to all the rights, privileges and responsibilities of a licensed professional engineer or of a licensed professional land surveyor, provided that said license has not expired or has not been retired, suspended, or revoked.

(3) Except for engineering faculty holding a restricted license pursuant to section 54-1214(5), Idaho Code, each licensee hereunder shall, upon licensure, obtain a seal, the use and design of which are described below in this section. It shall be unlawful for any person to affix or to permit his seal and signature to be affixed to any documents after the license of the licensee named thereon has expired or has been retired, suspended, or revoked, unless said license shall have been renewed, reinstated, or reissued, or for the purpose of aiding or abetting any other person to evade or attempt to evade any portion of this chapter.

(a) The seal may be a rubber stamp, crimp or electronically generated image. Whenever the seal is applied, the licensee's signature and date shall also be included. ~~If the signature is handwritten, it shall be adjacent to or across the seal. No further words or wording is required. A facsimile signature generated by any method will not be acceptable unless accompanied by a digital signature.~~

(b) The seal, signature and date shall be placed on all final specifications, land surveys, reports, plats, drawings, plans, design information and calculations whenever presented to a client or any public or governmental agency. Any such document presented to a client or public or governmental agency that is not final and does not contain a seal, signature and date shall be clearly marked as "draft," "not for construction" or with similar words to distinguish the document from a final document. In the event the final work product is preliminary in nature or contains the word "preliminary," such as a "preliminary engineering report," the final work product shall be sealed, signed and dated as a final document if the document is intended to be relied upon to make policy decisions important to the life, health, property, or fiscal interest of the public.

(c) The seal and signature of the licensee and date shall be placed on all original documents in such a manner that such seal, signature and date are reproduced when the original document is copied. The application of the licensee's seal and signature and the date shall constitute certification that the work thereon was done by him or under his responsible charge. Each plan or drawing sheet shall be sealed and signed and dated by the licensee or licensees responsible for each sheet. In the case of a business entity, each plan or drawing sheet shall be sealed and signed and dated by the licensee or licensees involved. Copies of electronically produced documents, listed in paragraph (b) of this subsection, distributed for informational uses such as for bidding purposes or working copies, may be issued with the licensee's seal and a notice that the original document is on file with the licensee's signature and the date. The words "Original Signed By:" and "Date Original Signed:" shall be placed adjacent to or across the seal on the electronic original. The storage location of the original document shall also be provided. Only the title page of reports, specifications and like documents need bear the seal and signature of the licensee and the date.

(d) The seal and signature shall be used by licensees only when the work being stamped was under the licensee's responsible charge.

(e) The design of the seal shall be as determined by the board.

(4) The board shall issue to any applicant who, in the opinion of the board, has met the requirements of this chapter a certificate as an engineer intern or land surveyor intern. The engineer intern or land surveyor intern certificate does not authorize the certificate holder to practice as a professional engineer or a professional land surveyor.

SECTION 6. That Section 55-1603, Idaho Code, be, and the same is hereby amended to read as follows:

55-1603. DEFINITIONS. Except where the context indicates a different meaning, terms used in this chapter shall be defined as follows:

(1) "Accessory to a corner" means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference points, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects.

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

(3) "Board" means the board of licensure of professional engineers and professional land surveyors.

(4) "Control survey" means a survey that provides horizontal or vertical position data for the support or control of subordinate surveys or for mapping.

(5) "Corner," unless otherwise defined, means a property corner, or a property controlling corner, or a public land survey corner, or any combination of these.

(6) "Establish" means to determine the position of a corner either physically or mathematically.

(7) "Monument" means a physical structure ~~that occupies the exact position of a corner~~ intended to mark, reference, or witness a line, corner, or position.

(8) "Professional land surveyor" means any person who is authorized by the laws of this state to practice land surveying.

(9) "Property controlling corner" for a property means a public land survey corner, property corner, reference point or witness corner that controls the location of one (1) or more of the property corners of the property in question.

(10) "Property corner" means a geographic point on the surface of the earth and is on, a part of, and controls a property line.

(11) "Public land survey corner" means any point actually established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under authority delegated by congress to the U.S. general land office (GLO) and the U.S. department of interior, bureau of land management. This excludes GLO-surveyed townsite lot corners, except those marking exterior angle points or block corners within the townsite.

(12) "Reference point" means a special monumented point that does not occupy the same geographical position as the corner itself, and where the spatial relationship to the corner is recorded, and which serves to locate the corner.

(13) "Witness corner" means a monumented point on a lot line or boundary line of a survey, near a corner, and established in situations where it is impracticable to occupy or monument the corner.

SECTION 7. That Section 55-1604, Idaho Code, be, and the same is hereby amended to read as follows:



55-1604. FILING REQUIREMENTS. A professional land surveyor shall complete, sign, and file with the county clerk and recorder of the county where the corner is situated a written record of the establishment, reestablishment, or rehabilitation of a corner monument and its accessories. This record shall be known as a "corner record" and such a filing shall be made for every public land survey corner, center one-quarter (1/4) corner, corners used as ties as described in section 50-1304(2)(g) or 55-1906(5), Idaho Code, and accessory to such corner ~~which is~~ established, reestablished, monumented, remonumented, rehabilitated, perpetuated or used as control in any survey. The survey information shall be filed within ninety (90) days after the survey is completed, unless the corner and its accessories are substantially as described in an existing corner record filed in accordance with the provisions of this chapter.

In lieu of filing as heretofore provided, corner records may be recorded electronically in those counties that have such facilities.

SECTION 8. That Section 55-1902, Idaho Code, be, and the same is hereby amended to read as follows:

55-1902. DEFINITIONS. As used in this chapter:

(1) "Basis of bearing" means the bearing in degrees, minutes and seconds, or equivalent, of a line between two (2) monuments or two (2) monumented corners that serves as the reference bearing for all other lines on the survey. A description of the bearing system used to include a complete citation of the datum, epoch, and name of the published projection must be shown on the survey. If a custom projection is used, the datum, epoch, and defining parameters of the projection sufficient to replicate the bearing system shall also be shown on the survey. For surveys where the bearing system is shown in accordance with this subsection, the convergence angle computed at a minimum of one monument on the survey must be shown.

(2) "Corner," unless otherwise defined, means a property corner, or a property controlling corner, or a public land survey corner, or any combination of these.

(3) "GPS" is the abbreviation for global positioning system, which is satellite surveying based on observations of the electromagnetic signals broadcast from the U.S. department of defense's NAVSTAR GPS system.

(4) "Idaho coordinate system" ~~shall means~~ that system of plane coordinates as established and designated by chapter 17, title 55, Idaho Code.

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

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

(b) Retrace or establish land boundaries;

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

(d) Plat lands and subdivisions thereof.

(6) "Monument" ~~is means~~ a physical structure or object that ~~occupies the exact position of a corner~~ intended to mark, reference, or witness a line, corner, or position.

(7) "Property controlling corner" ~~for a property is means~~ a public land survey corner, property corner, reference point or witness corner that controls the location of one (1) or more of the property corners of the property in question.

(8) "Property corner" ~~is means~~ a geographic point on the surface of the earth and is on, a part of, and controls a property.

(9) "Public land survey corner" ~~is means~~ any point actually established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under au-

thority delegated by congress to the U.S. general land office and the U.S. department of the interior, bureau of land management.

(10) "Reference point" means a special monumented point that does not occupy the same geographical position as the corner itself, and, where the spatial relationship to the corner is known and recorded, and that serves to locate the corner.

(11) "Surveyor" shall mean every person authorized by the state of Idaho to practice the profession of land surveying.

SECTION 9. That Section 55-1906, Idaho Code, be, and the same is hereby amended to read as follows:

55-1906. RECORDS OF SURVEY -- CONTENTS. The records of survey shall, at a minimum, show:

(1) All monuments found or set or reset or replaced, or removed, describing their kind, size, location using bearings and distances, and giving other data relating thereto;

(2) Evidence of compliance with chapter 16, title 55, Idaho Code, including instrument numbers of the most current corner records related to the survey being submitted and instrument numbers of corner records of corners which are set in conjunction with the survey being submitted; basis of bearings, bearing and length of lines, graphic scale of map, and north arrow;

(3) Section, or part of section, township and range in which the survey is located and reference to surveys of record within or crossing or adjoining the survey;

(4) Certificate of survey;

(5) ~~Ties to at least two (2) public land survey corner monuments of record in one (1) or more of the sections containing the record of survey or, in lieu of public land survey corners, to two (2) corners of records recognized by the county surveyor.~~ monuments from the following list:

(a) Public land survey corners;

(b) Center of section, quarter section corners, or sixteenth section corners, any of which were not monumented in an original survey of the United States, provided such corners have a corner record meeting the current requirements of chapter 16, title 55, Idaho Code; or

(c) Monuments recognized by the county surveyor.

Additionally, if required by the city or county governing bodies, the record shall provide coordinates based on the Idaho coordinate system.

~~Records of survey which are within previously platted subdivisions of record need not be tied to public land survey corner monuments; and~~

(6) Surveyor's narrative. The narrative must explain:

(a) The purpose of the survey and how the boundary lines and other lines were established or reestablished and the reasoning behind the decisions;

(b) Which deed records, deed elements, survey records, found survey monuments, plat records, road records, or other pertinent data were controlling when establishing or reestablishing the lines; and

(c) For surveys that contain a vertical component, the narrative shall show the benchmarks used, the vertical datum referenced, and the methodology used to achieve the elevations.

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, 2022.

CHAPTER 44  
(S.B. No. 1299)

AN ACT

RELATING TO ARCHITECTS; AMENDING SECTION 54-310, IDAHO CODE, TO PROVIDE FOR MUTUAL RECOGNITION AGREEMENTS FOR LICENSURE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-310, Idaho Code, be, and the same is hereby amended to read as follows:

54-310. LICENSE BY ENDORSEMENT OR MUTUAL RECOGNITION AGREEMENT. (1) The board may grant a license to any person who, at the time of application, holds a valid and current license in good standing as an architect issued by the authorized regulatory entity of another state, territory or jurisdiction of the United States, provided that the requirements for licensure are substantially equivalent to the requirements for licensure under this chapter, and upon payment of a fee set in rule by the board.

(2) The board may grant a license pursuant to the terms of a mutual recognition agreement for reciprocal licensure entered into between the board and another state, territory, jurisdiction, or country.

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, 2022.

Approved March 14, 2022

CHAPTER 45  
(S.B. No. 1245)

AN ACT

RELATING TO PHARMACISTS; REPEALING SECTION 54-1704, IDAHO CODE, RELATING TO THE PRACTICE OF PHARMACY; AMENDING SECTION 54-1705, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1723B, IDAHO CODE, TO REMOVE DEFINITIONS AND TO PROVIDE FOR DRUG OUTLETS; AMENDING SECTION 54-1733B, IDAHO CODE, TO REMOVE A DEFINITION; AMENDING SECTION 54-1733D, IDAHO CODE, TO REMOVE A DEFINITION; REPEALING SECTION 54-1761, IDAHO CODE, RELATING TO DEFINITIONS; AMENDING SECTION 54-1762A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-4702, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 37-2726, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-1704, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 54-1705, Idaho Code, be, and the same is hereby amended to read as follows:

54-1705. DEFINITIONS. In this chapter:

(1) "Accredited school or college of pharmacy" means a school or college that meets the minimum standards of the accreditation council for pharmacy education and appears on its list of accredited schools or colleges of pharmacy.

(2) "Board of pharmacy" or "board" means the Idaho state board of pharmacy.

(23) "Central drug outlet" means a resident or nonresident pharmacy, drug outlet or business entity employing or contracting pharmacists to perform off-site pharmacy services.

(34) "Certificate" means a license or registration issued by the board unless specifically stated.

(45) "Chain pharmacy warehouse" means a physical location for prescription drugs that acts as a central warehouse and performs intracompany sales or transfers of such drugs to a group of chain pharmacies that have the same common ownership and control.

(56) "Colicensed partner or product" means an instance where two (2) or more parties have the right to engage in the manufacturing or marketing of a prescription drug, consistent with the federal food and drug administration's implementation of the prescription drug marketing act.

(7) "Collaborative pharmacy practice" means a pharmacy practice where one (1) or more pharmacists or pharmacies jointly agree to work under a protocol authorized by one (1) or more prescribers to provide patient care and drug therapy management services not otherwise permitted to be performed by a pharmacist under specified conditions.

(68) "Compounding" means the practice in which a pharmacist, a prescriber, or, in the case of an outsourcing facility, a person under the supervision of a pharmacist combines, mixes or alters ingredients of a drug to create a medication tailored to the needs of an individual patient.

(79) "Counseling" or "counsel" means the effective communication by the pharmacist of information, as set out in this chapter, to the patient or caregiver in order to improve therapeutic outcomes by maximizing proper use of prescription drugs and devices.

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

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

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

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

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

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

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

(14) "Distributor" means a supplier of drugs manufactured, produced, or prepared by others to persons other than the ultimate consumer.

(15) "Donation repository" means:

(a) A community health center as defined in section 39-3203, Idaho Code;

(b) A free medical clinic as defined in section 39-7702, Idaho Code;

(c) A designated regional behavioral health center as described in chapter 31, title 39, Idaho Code;

(d) A state charitable institution as described in chapter 1, title 66, Idaho Code; or

(e) A drug outlet as defined in this section.

(126) "Drug" means:

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

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

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

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

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

(148) "Drug therapy management" means selecting, initiating, or modifying drug treatment pursuant to a collaborative pharmacy practice agreement.

(19) "Epinephrine auto-injector" means a single-use device for the automatic injection of a premeasured dose of epinephrine into the human body.

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

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

~~(1622)~~ "Internship" means a practical experience program under the supervision of a preceptor.

~~(1723)~~ "Investigational or new drug" means any drug limited by state or federal law to use under professional supervision of a practitioner authorized by law to prescribe or administer such drug.

~~(1824)~~ "Labeling" means the process of preparing and affixing a label to any drug container, exclusive however of the labeling by a manufacturer, packer or distributor of a nonprescription drug or commercially packaged legend drug or device. Any such label shall include all information required by federal and state law.

~~(1925)~~ "Limited service outlet" means a resident or nonresident pharmacy, facility or business entity subject to registration by the board, pursuant to section 54-1729, Idaho Code, and has employees or personnel engaged in the practice of pharmacy, in the provision of pharmaceutical care, or in the dispensing, delivering, distributing or manufacturing of drugs or devices as may be further defined by board rule but is not a community pharmacy, institutional facility, manufacturer, wholesaler, central drug outlet or mail service pharmacy.

(206) "Mail service pharmacy" means a nonresident pharmacy that ships, mails or delivers by any lawful means a dispensed legend drug to residents in this state pursuant to a legally issued prescription drug order and en-

sure the provision of corresponding related pharmaceutical care services required by law.

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

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

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

(228) "Manufacturer" means a person who is licensed or approved by the federal food and drug administration to engage in the manufacture of drugs, including a colicensed partner or affiliate of that person, who compounds, cultivates, derives, harvests, mixes, or by other process produces or prepares legend drugs and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process, or who packages or repackages such drugs, but does not include pharmacists or practitioners in the practice of their profession.

(239) "Medically indigent patient" means a resident of Idaho who:

(a) Is not eligible for medicaid or medicare;

(b) Cannot afford private prescription drug insurance; or

(c) Does not have income and other resources available sufficient to pay for a legend drug.

(30) "Multistate license" means a license, registration, or other credential for the practice of pharmacy issued by the pharmacy licensing agency of a state.

(31) "Multistate licensee" means a multistate pharmacist, multistate pharmacist intern, or multistate technician.

(32) "Multistate pharmacist" means a nonresident pharmacist who is licensed by a party state and is not otherwise licensed by the board.

(33) "Multistate pharmacist intern" means a nonresident pharmacist intern who is registered by a party state and is not otherwise licensed by the board.

(34) "Multistate practice of pharmacy" means the practice of pharmacy in or into Idaho, for a patient located in Idaho, by a multistate licensee, pursuant to the requirements of this section and the terms of a mutual recognition agreement.

(35) "Multistate technician" means a nonresident technician who is licensed by a party state and is not otherwise registered by the board.

(36) "Mutual recognition agreement" means a written agreement entered into between the board and a party state allowing for the multistate practice of pharmacy, subject to the requirements of this section and any other reasonable and supplemental contract terms negotiated by the board and the party state.

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

(2438) "Nonresident" means a person or business entity located in the District of Columbia or a state or territory other than Idaho that practices pharmacy including, but not limited to, pharmaceutical care services into Idaho.

(2539) "Off-site pharmacy services" means services provided by a central drug outlet or an off-site pharmacist or technician. Services may include, but are not limited to: processing a request from another pharmacy to fill, refill or dispense a prescription drug order; performance of processing functions; or providing cognitive or pharmaceutical care services. Each function may be performed by the same or different persons and at the same or different locations.

(2640) "Opioid antagonist" means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal food and drug administration for the treatment of drug overdose.

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

(2742) "Party state" means any pharmacy licensing agency of a state that has entered into a mutual recognition agreement with the board.

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

(2844) "Person in charge" or "PIC" means a person whose qualifications, responsibilities, and reporting requirements are defined in rule.

(2945) "Pharmaceutical care" means drug therapy and other pharmaceutical patient care services intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process as defined in the rules of the board.

(3046) "Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy or a pharmacist registered by this state who is located in another state, territory or the District of Columbia and is engaged in the practice of pharmacy into Idaho, unless exempted.

(3147) "Pharmacist intern" means a person who is enrolled in or who has completed a course of study at an accredited school or college of pharmacy and is registered with the board as a pharmacist intern prior to commencement of an internship.

(3248) "Pharmacy" means any drug outlet, facility, department, or other place where prescription drug orders are filled or compounded and prescriptions are sold, dispensed, offered, or displayed for sale, ~~which and that~~ has, as its principal purpose, the dispensing of drug and health supplies intended for the general health, welfare, and safety of the public.

(3349) "Practice of pharmacy" means the safe interpretation, evaluation, compounding, administration, and dispensing of prescription drug orders, patient counseling, collaborative pharmacy practice, provision of pharmaceutical care services, proper storage of drugs and devices, and prescribing of drugs and devices as may be further defined in this chapter.

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

(3451) "Preceptor" means a pharmacist or other health professional licensed and in good standing who supervises the internship training of a registered pharmacist intern.

(352) "Precursor" means a substance, other than a legend drug, that is an immediate chemical intermediate that can be processed or synthesized into a legend drug and is used or produced primarily for use in the manufacture of a legend drug.

(3653) "Prepackaging" means the act of transferring a drug, manually or using an automated system, from a manufacturer's original container to another container prior to receiving a prescription drug order.

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

(3755) "Prescriber drug outlet" means a drug outlet in which prescription drugs or devices are dispensed directly to patients under the supervision of a prescriber, except where delivery is accomplished only through on-site administration or the provision of drug samples, patient assistance program drugs, or investigational drugs as permitted in chapter 94, title 39, Idaho Code.

(3856) "Prescription drug or legend drug" means a drug that under federal law is required, prior to being dispensed or delivered, to be labeled with one (1) of the following statements:

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

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

(3957) "Prescription drug order" means a valid order of a prescriber for a drug or device for an ultimate user of the drug or device.

(4058) "Primary state of residence" means the multistate licensee's declared primary state of residence as evidenced by a valid state or federal identification card with a home address or another form of identification accepted by the board.

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

- (a) Evaluation of the prescription drug order for known allergies, rational therapy contraindications, reasonable dose and route of administration, and reasonable directions for use;
- (b) Evaluation of the prescription drug order for duplication of therapy;
- (c) Evaluation of the prescription drug order for drug, food, or disease interactions; and
- (d) Evaluation of the prescription drug order for proper utilization.

(4160) "Qualified donor" means:

- (a) Any entity that meets the definition of "donation repository" as provided in this section; or
- (b) Any member of the public in accordance with section 54-1762, Idaho Code.

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

(462) "Repackage" means repackaging or otherwise changing the container, wrapper, or labeling to further the distribution of a prescription drug, excluding such actions when completed by the pharmacist responsible for dispensing product to the patient.

(463) "Reverse distributor" means a drug outlet that receives nonsalable prescription drugs from persons or their agents, who may lawfully possess prescription drugs without being issued a valid prescription drug order, and that processes for credit or disposes of such prescription drugs.

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

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



(465) "Technician" means an individual authorized by registration with the board to perform pharmacy support services under the direction of a pharmacist.

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

(467) "USP" means United States pharmacopoeia.

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

(4769) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Drug returns, when conducted by a hospital, health care entity, or charitable institution in accordance with 21 CFR 203.23;

(b) The sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription;

(c) The delivery of, or offer to deliver, a prescription drug by a common carrier solely in the common carrier's usual course of business of transporting prescription drugs when such common carrier does not store, warehouse, or take legal ownership of the prescription drug; or

(d) The sale or transfer from a community pharmacy or chain pharmacy warehouse of expired, damaged, mispicked, returned, or recalled prescription drugs to the original manufacturer, original wholesaler, or third-party returns processor, including a reverse distributor.

(4870) "Wholesaler" means a person who in the usual course of business, lawfully distributes drugs or devices in or into Idaho to persons other than the ultimate user.

SECTION 3. That Section 54-1723B, Idaho Code, be, and the same is hereby amended to read as follows:

54-1723B. MULTISTATE PRACTICE OF PHARMACY. Notwithstanding any provision of law to the contrary:

(1) ~~As used in this section:~~

~~(a) "License" means a license, registration, or other credential for the practice of pharmacy issued by the pharmacy licensing agency of a state.~~

~~(b) "Multistate licensee" means a multistate pharmacist, multistate pharmacist intern, or multistate technician.~~

~~(c) "Multistate pharmacist" means a nonresident pharmacist, licensed by a party state, who is not otherwise licensed by the board.~~

~~(d) "Multistate pharmacist intern" means a nonresident pharmacist intern, registered by a party state, who is not otherwise licensed by the board.~~

~~(e) "Multistate practice of pharmacy" means the practice of pharmacy in or into Idaho, for a patient located in Idaho, by a multistate licensee, pursuant to the requirements of this section and the terms of a mutual recognition agreement.~~

~~(f) "Multistate technician" means a nonresident technician, licensed by a party state, who is not otherwise registered by the board.~~

~~(g) "Mutual recognition agreement" means a written agreement entered into between the board and a party state allowing for the multistate practice of pharmacy, subject to the requirements of this section and any other reasonable and supplemental contract terms negotiated by the board and the party state.~~

~~(h) "Party state" means any pharmacy licensing agency of a state that has entered a mutual recognition agreement with the board.~~

~~(i) "Primary state of residence" means the multistate licensee's declared primary state of residence, as evidenced by a valid state or fed-~~

~~eral identification card with a home address or another form of identification as accepted by the board.~~

~~(j) "State" means a state, a territory or possession of the United States, or the District of Columbia.~~

(2) The board may enter into mutual recognition agreements with one (1) or more party states provided that each party state:

(a) Has substantially similar requirements for drug outlet registration as required in section 54-1730, Idaho Code, pharmacist licensure, as required in section 54-1722, Idaho Code, or pharmacist intern and technician registration, as required by board rule, or both;

(b) Requires a fingerprint-based criminal history check prior to licensure that is substantially similar to the requirement in section 54-1718, Idaho Code; and

(c) Grants the same multistate practice privileges to Idaho drug outlets, pharmacists, pharmacist interns, or technicians as Idaho grants to the party state's drug outlets, pharmacists, pharmacist interns, or technicians under like circumstances and conditions.

(32) A drug outlet, pharmacist, pharmacist intern, or technician license issued by a party state will be recognized by the board as permitting the multistate practice of pharmacy in or into Idaho without a license issued by the board provided the following conditions are met:

(a) The party state is the primary state of residence for the multistate licensee;

(b) The multistate licensee holds an active license issued by a party state that is not currently suspended, revoked, canceled, or otherwise restricted or conditioned in any manner; and

(c) The requirements specified in paragraph (a) or (b) of this subsection must be met at all times by any multistate licensee engaged in the multistate practice of pharmacy in or into Idaho.

(i) If such a multistate licensee no longer meets the requirements in paragraph (a) of this subsection, the multistate licensee must apply for licensure in the new primary state of residence prior to relocating to the new primary state of residence. If the pharmacist, pharmacist intern, or technician's new primary state of residence is either Idaho or another party state, the pharmacist, pharmacist intern, or technician may continue to practice until a new license is issued in the new primary state of residence.

(ii) If a multistate licensee no longer meets the requirements in paragraph (b) of this subsection, the multistate licensee must immediately cease engaging in the multistate practice of pharmacy in or into Idaho, unless the multistate licensee obtains a license issued by the board.

(43) A multistate licensee engaged in the multistate practice of pharmacy in or into Idaho must comply with all laws governing the practice of pharmacy in the state of Idaho.

(54) If the board finds grounds for discipline exist, as set forth in section 54-1726 or 37-2718, Idaho Code, the board may impose upon the multistate practice privileges of a multistate licensee any of the penalties set forth in section 54-1728 or 37-2718, Idaho Code. The board's imposition of any penalties shall be limited to the multistate practice privileges of a multistate licensee. Only the party state shall have the power to revoke, suspend, or otherwise discipline a license issued by the party state.

(65) The board shall promptly notify a party state of any board action taken against the multistate practice privileges of a multistate licensee licensed by the party state. The party state shall give the same priority and effect to reported conduct received from the board as it would if such conduct had occurred within the party state.

SECTION 4. That Section 54-1733B, Idaho Code, be, and the same is hereby amended to read as follows:

54-1733B. OPIOID ANTAGONISTS. (1) Notwithstanding any other provision of law, any health professional licensed or registered under this title, acting in good faith and exercising reasonable care, may prescribe and dispense an opioid antagonist to any person or entity.

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

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

~~(4) As used in this section, "opioid antagonist" means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal food and drug administration for the treatment of drug overdose.~~

SECTION 5. That Section 54-1733D, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

SECTION 6. That Section 54-1761, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 54-1762A, Idaho Code, be, and the same is hereby amended to read as follows:

54-1762A. DRUG DONATION FOR ANIMALS. Notwithstanding any other provision of law:

(1) An owner or a legal caretaker of an animal may donate a drug that is dispensed for the animal, but will not be used by that animal, to a licensed veterinarian of a veterinary medical facility, as that term is defined in section 54-2103, Idaho Code, if the veterinarian or facility chooses to accept the drug.

(2) A licensed veterinarian or a veterinary medical facility may accept and reissue drugs donated pursuant to this section and from qualified donors listed in section 54-1761(4)05, Idaho Code, if:

- (a) The drug is not expired;
- (b) There is no reason to believe the drug has been adulterated;
- (c) The drug is not a controlled substance; and

(d) The drug is not a compounded drug.

(3) A licensed veterinarian or a veterinary medical facility may not resell the donated drug.

(4) A licensed veterinarian or a veterinary medical facility may, however, reissue the donated drug, without charge, for proper administration to an animal by:

(a) Another client of the veterinarian or facility who appears to be financially unable to pay for the drug;

(b) A nonprofit animal shelter; or

(c) A pound, as that term is defined in section 25-3502, Idaho Code.

SECTION 8. That Section 54-4702, Idaho Code, be, and the same is hereby amended to read as follows:

54-4702. DEFINITIONS. As used in this chapter:

(1) "Acupuncture" means that theory of health care developed from traditional and modern Oriental medical philosophies that employs diagnosis and treatment of conditions of the human body based upon stimulation of specific acupuncture points on meridians of the human body for the promotion, maintenance, and restoration of health and for the prevention of disease. Therapies within the scope of acupuncture include manual, mechanical, thermal, electrical and electromagnetic treatment of such specific indicated points. Adjunctive therapies included in, but not exclusive to, acupuncture include herbal and nutritional treatments, therapeutic exercise and other therapies based on traditional and modern Oriental medical theory.

(2) "Board" means the Idaho state board of acupuncture.

(3) "NCCAOM" means "National Certification Commission for Acupuncture and Oriental Medicine."

(4) "Practice of acupuncture" means the insertion of acupuncture needles and use of similar devices and therapies, including application of moxibustion, to specific indicated points on the skin of the human body as indicated pursuant to traditional and modern theories of Oriental medicine. The "practice of acupuncture" does not include:

(a) Surgery; or

(b) Prescribing, dispensing or administering any prescription drug or legend drug as defined in section 54-1705(38), Idaho Code.

SECTION 9. That Section 37-2726, Idaho Code, be, and the same is hereby amended to read as follows:

37-2726. FILING PRESCRIPTIONS -- DATABASE. (1) All controlled substances and opioid antagonists as defined in section 54-1733B05, Idaho Code, dispensed for humans shall be filed with the division electronically in a format established by the division. The division may require the filing of other prescriptions by rule. The division shall establish the information to be submitted pursuant to the purposes of this section and the purposes set forth in section 37-2730A, Idaho Code.

(2) The division shall create, operate and maintain a controlled substances prescriptions database containing the information submitted pursuant to subsection (1) of this section to be used for the purposes and subject to the terms, conditions and immunities described in section 37-2730A, Idaho Code. The division shall retain the information submitted pursuant to subsection (1) of this section for a period of five (5) years from the date the controlled substance was dispensed. The database information must be made available only to the following:

(a) Authorized individuals employed by the division, Idaho's boards, or other states' licensing entities charged with the licensing and discipline of practitioners;

(b) Peace officers employed by federal, state and local law enforcement agencies engaged as a specified duty of their employment in enforcing law regulating controlled substances;

(c) Authorized individuals under the direction of the department of health and welfare for the purpose of monitoring and enforcing that department's responsibilities under the public health, medicare and medicaid laws;

(d) A practitioner, licensed in Idaho or another state, having authority to prescribe controlled substances, or a delegate under the practitioner's supervision, to the extent the information relates specifically to a current patient of the practitioner to whom the practitioner is prescribing or considering prescribing any controlled substance;

(e) A pharmacist, licensed in Idaho or another state, having authority to dispense controlled substances, or a delegate under the pharmacist's supervision, to the extent the information relates specifically to a current patient to whom that pharmacist is dispensing or considering dispensing any controlled substance, or providing pharmaceutical care as defined in the Idaho pharmacy act;

(f) An individual who is the recipient of a dispensed controlled substance entered into the database may access records that pertain to that individual, upon the production of positive identification, or that individual's designee upon production of a notarized release of information by that individual;

(g) Upon a lawful order issued by the presiding judge in a court of competent jurisdiction for the release of prescription monitoring program records of a named individual;

(h) Prosecuting attorneys, deputy prosecuting attorneys and special prosecutors of a county or city and special assistant attorneys general from the office of the attorney general engaged in enforcing law regulating controlled substances; and

(i) A medical examiner or coroner who is an officer of or employed by a state or local government, for determining a cause of death or for performing other duties authorized by law.

(3) The division shall require pharmacists and prescribers, except veterinarians, to register with the division to obtain online access to the controlled substances prescriptions database.

(4) The division must maintain records on the information disclosed from the database, including:

(a) The identification of each individual who requests or receives information from the database and who that individual represents;

(b) The information provided to each such individual; and

(c) The date and time the information is requested or provided.

(5) The division shall ensure that only authorized individuals have access to the database.

(6) Any person who knowingly misrepresents to the division that he is a person entitled under subsection (2) of this section to receive information from the controlled substances prescriptions database under the conditions therein provided, and who receives information from the controlled substances prescriptions database resulting from that misrepresentation, shall be guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six (6) months, or by a fine not to exceed two thousand dollars (\$2,000), or both. The foregoing criminal penalty is in addition to, and not in lieu of, any other civil or administrative penalty or sanction authorized by law.

(7) Any person in possession, whether lawfully or unlawfully, of information from the controlled substances prescriptions database that identifies an individual patient and who knowingly discloses such information to a person not authorized to receive or use such information under any state or federal law or rule or regulation, or the lawful order of a court of competent jurisdiction, or without written authorization of the individual patient shall be guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six (6) months, or by a fine not to exceed two thousand dollars (\$2,000), or both. The foregoing criminal penalty is in addition to, and not in lieu of, any other civil or administrative penalty or sanction authorized by law. The provisions of this subsection shall not apply to disclosure of individual patient information by the patient himself. The provisions of this subsection shall not apply to disclosure of information by a prosecuting attorney, deputy prosecuting attorney or special prosecutor of a county or city or by a special assistant attorney general from the office of the attorney general in the course of a criminal proceeding, whether preconviction or postconviction.

(8) Any person with access to the division's online prescription monitoring program pursuant to a division-issued user account, login name and password who intentionally shares or recklessly fails to safeguard his user account, login name and password, resulting in another person not authorized to receive or use such information under the provisions of any state or federal law, rule or regulation obtaining information from the controlled substances prescriptions database, shall be guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six (6) months or by a fine not to exceed two thousand dollars (\$2,000), or both. The foregoing criminal penalty is in addition to, and not in lieu of, any other civil or administrative penalty or sanction authorized by law.

(9) The division may, at its discretion, block access to certain controlled substances prescriptions database data if the division has reason to believe that access to the data is or may be used illegally.

(10) All costs associated with recording and submitting data as required in this section are assumed by the dispensing practitioner recording and submitting the data.

(11) For purposes of this section, "delegate" means a nurse, medical or office assistant, current student of a health profession if a licensed practitioner or registered graduate of such profession who may access the database, or a registered pharmacy technician who is designated by a supervising practitioner or pharmacist to access the database according to the provisions of this section and who must register with the division for such access.

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, 2022.

Approved March 14, 2022

CHAPTER 46  
(S.B. No. 1234)

AN ACT

RELATING TO DENTAL HYGIENISTS; AMENDING SECTION 54-904, IDAHO CODE, TO REMOVE AN ENDORSEMENT REQUIREMENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-904, Idaho Code, be, and the same is hereby amended to read as follows:

54-904. AUTHORIZATION FOR PROCEDURES PERFORMED UNDER GENERAL SUPERVISION BY DENTAL HYGIENISTS. A dental hygienist is authorized to practice under general supervision when:

(1) In a dental office where the dental hygienist works, a dentist has diagnosed the condition to be treated and determined the procedure to be performed, or has authorized a dental hygienist to perform the prescribed treatment; or

(2) In an extended access oral health care setting, the supervising dentist has determined the dental hygiene procedures that may be performed and has issued written orders to a dental hygienist ~~holding a license with an extended access dental hygiene endorsement~~ to provide the authorized treatment. The supervising dentist shall be responsible to treat the patient's dental needs or refer the patient to another dentist for treatment.

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, 2022.

Approved March 14, 2022

CHAPTER 47  
(S.B. No. 1246)

AN ACT

RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING SECTION 37-2705, IDAHO CODE, TO REVISE PROVISIONS REGARDING SCHEDULE I CONTROLLED SUBSTANCES; AMENDING SECTION 37-2707, IDAHO CODE, TO REVISE PROVISIONS REGARDING SCHEDULE II CONTROLLED SUBSTANCES; AMENDING SECTION 37-2711, IDAHO CODE, TO REVISE PROVISIONS REGARDING SCHEDULE IV CONTROLLED SUBSTANCES; AMENDING SECTION 37-2713, IDAHO CODE, TO REVISE PROVISIONS REGARDING SCHEDULE V CONTROLLED SUBSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide);
- (5) Allylprodine;
- (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-hydroxythiofentanyl;
- (15) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide);
- (156) Betameprodine;
- (167) Betamethadol;
- (18) Beta-methyl fentanyl;
- (19) Beta'-phenyl fentanyl;
- (1720) Betaprodine;
- (21) Brorphine (1-(1-(1-(4-Bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[D]imidazol-2-one);
- (1822) Clonitazene;
- (23) Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide);
- (1924) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
- (205) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- (216) Dextromoramide;
- (227) Diampromide;
- (238) Diethylthiambutene;
- (249) Difenoxin;
- (2530) Dimenoxadol;
- (2631) Dimepheptanol;
- (2732) Dimethylthiambutene;
- (2833) Dioxaphetyl butyrate;
- (2934) Dipipanone;
- (305) Ethylmethylthiambutene;
- (316) Etonitazene;
- (327) Etoxadine;
- (338) 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;
- (39) Fentanyl carabamate;  
(340) 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);  
(41) 2'-fluoro ortho-fluorofentanyl;  
(3542) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);  
(436) Furethidine;  
(3744) Hydroxypethidine;  
(3845) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);  
(46) Isotonitazene (N,N-diethyl-2-(2-(4isopropoxybenzyl)-5-nitro-1h-benzimidazol-1-yl)ethan-1-amine);  
(3947) Ketobemidone;  
(408) Levomoramide;  
(419) Levophenacylmorphan;  
(50) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);  
(51) 4'-methyl acetyl fentanyl;  
(452) 3-Methylfentanyl;  
(453) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);  
(454) Morpheridine;  
(455) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);  
(456) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);  
(57) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)Isobutyramide (para-chloroisobutyryl fentanyl);  
(4758) Noracymethadol;  
(4859) Norlevorphanol;  
(4960) Normethadone;  
(5061) Norpipanone;  
(5162) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide);  
(63) Ortho-fluoroacryl fentanyl;  
(64) Ortho-fluorobutyryl fentanyl;  
(65) Ortho-fluorofentanyl;  
(66) Ortho-fluoroisobutyryl fentanyl;  
(67) Ortho-methyl acetylfentanyl;  
(68) Ortho-methyl methoxyacetyl fentanyl;  
(5269) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);  
(5370) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);  
(5471) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);  
(72) Para-fluoro furanyl fentanyl;  
(5573) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

- (74) Para-methylfentanyl;  
 (756) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);  
 (576) Phenadoxone;  
 (5877) Phenampromide;  
 (5978) Phenomorphan;  
 (6079) Phenoperidine;  
 (80) Phenyl fentanyl;  
 (681) Piritramide;  
 (682) Proheptazine;  
 (683) Properidine;  
 (684) Propiram;  
 (685) Racemoramide;  
 (686) Tetrahydrofuranlyl fentanyl (N-(1-phenethylpiperidine-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);  
 (687) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);  
 (688) Tilidine;  
 (689) Trimeperidine;  
 (790) u-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide);  
 (791) 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~~ that 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) Marijuana;

(20) Mescaline;

(21) Parahexyl;

(22) Peyote;

(23) N-ethyl-3-piperidyl benzilate;

(24) N-methyl-3-piperidyl benzilate;

(25) Psilocybin;

(26) Psilocyn;

(27) Tetrahydrocannabinols or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure such as the following:

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

a.  $\Delta^1$  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.  $\Delta^6$  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-edmbpinacaF-EDMB-PINACA).
  - 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. FUB-AMB, MMB- FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate.
  - j. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (MMB-CHMICA, AMB-CHMICA).
  - jk. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (MDMB-CHMICA).
  - kl. Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (MDMB-FUBINACA).
  - lm. Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (5F-MDMBPICA).
  - mn. Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (5F-ADB, 5FMDMB-PINACA).
  - no. Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5FAMB).
  - op. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (ADB-FUBINACA).
  - pq. N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (FUB-AKB48; FUB-APINACA).
  - qr. N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-APINACA, 5F-AKB48).
  - s. N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(Cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA).
  - rt. Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201; CBL2201).

su. 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.

tv. 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.

uw. 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.

vx. 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.

wy. 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.

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

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

zbb. [(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, TCP, TCP;

(31) Thiofuranyl fentanyl;

(32) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;

(323) 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, alkylenedioxy, 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-ethylaminopentiophenone\* (4meap-~~MEAP~~);
- (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 2. That Section 37-2707, Idaho Code, be, and the same is hereby amended to read as follows:

37-2707. SCHEDULE II. (a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances 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, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone, naltrexone and their respective salts, but including the following:

1. Raw opium;
2. Opium extracts;
3. Opium fluid extracts;
4. Powdered opium;
5. Granulated opium;
6. Tincture of opium;
7. Codeine;
8. Dihydroetorphine;
9. Diprenorphine;
10. Ethylmorphine;
11. Etorphine hydrochloride;
12. Hydrocodone;
13. Hydromorphone;
14. Metopon;
15. Morphine;
16. Oripavine;
17. Oxycodone;
18. Oxymorphone;
19. Tapentadol;
20. Thebaine.

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) of this subsection, except that these substances shall not include 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, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but shall not include the following:

1. Decocainized coca leaves or extractions of coca leaves, which extractions do not contain cocaine; or ecgonine; or
2. [<sup>123</sup>I]ioflupane.

(5) Benzoylecgonine.

(6) Methylbenzoylecgonine (Cocaine - its salts, optical isomers, and salts of optical isomers).

(7) Concentrate of poppy straw (the crude extract of poppy straw in liquid, solid or powder form that contains the phenanthrine alkaloids of the opium poppy).

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

- (1) Alfentanil;
- (2) Alphaprodine;
- (3) Anileridine;
- (4) Bezitramide;
- (5) Bulk Dextropropoxyphene (nondosage forms);
- (6) Carfentanil;
- (7) Dihydrocodeine;
- (8) Diphenoxylate;
- (9) Fentanyl;
- (10) Isomethadone;
- (11) Levo-alpha-acetylmethadol (also known as levo-alpha-acetylmethadol, levomethadyl acetate, LAAM);
- (12) Levomethorphan;
- (13) Levorphanol;
- (14) Metazocine;
- (15) Methadone;

(16) Methadone -- Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;

(17) Moramide -- Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl propane-carboxylic acid;

(18) Norfentanyl (N-phenyl-N-(piperidin-4-yl) propionamide);

(19) Oliceridine;

(20) Pethidine (meperidine);

(201) Pethidine -- Intermediate -- A, 4-cyano-1-methyl-4-phenyl-piperidine;

(212) Pethidine -- Intermediate -- B, ethyl-4-phenylpiperidine-4-carboxylate;

(223) Pethidine -- Intermediate -- C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(234) Phenazocine;

(245) Piminodine;

(256) Racemethorphan;

(267) Racemorphan;

(278) Remifentanil;

(289) Sufentanil.

(d) 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:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) Lisdexamfetamine;

(3) Methamphetamine, its salts, isomers, and salts of its isomers;

(4) Phenmetrazine and its salts;

(5) Methylphenidate.

(e) Depressants. 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) Amobarbital;

(2) Glutethimide;

(3) Pentobarbital;

(4) Phencyclidine;

(5) Secobarbital.

(f) Hallucinogenic substances.

(1) Nabilone . . . . . (another name for nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one) (21 CFR 1308.12 (f)).

(g) Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

(a) Anthranilic acid;

(b) Ephedrine;

(c) Lead acetate;

(d) Methylamine;

(e) Methyl formamide;

(f) N-methylephedrine;

(g) Phenylacetic acid;

(h) Phenylacetone;

(i) Phenylpropanolamine;

(j) Pseudoephedrine.



Except that any combination or compound containing ephedrine, or any of its salts and isomers, or phenylpropanolamine or its salts and isomers, or pseudoephedrine, or any of its salts and isomers which is prepared for dispensing or over-the-counter distribution is not a controlled substance for the purpose of this section, unless such substance is possessed, delivered, or possessed with intent to deliver to another with the intent to manufacture methamphetamine, amphetamine or any other controlled substance in violation of section 37-2732, Idaho Code. For purposes of this provision, the requirements of the uniform controlled substances act shall not apply to a manufacturer, wholesaler or retailer of over-the-counter products containing the listed substances unless such person possesses, delivers, or possesses with intent to deliver to another the over-the-counter product with intent to manufacture a controlled substance.

(2) Immediate precursors to phencyclidine (PCP):

(a) 1-phenylcyclohexylamine;

(b) 1-piperidinocyclohexanecarbonitrile (PCC).

(3) Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP).

SECTION 3. That Section 37-2711, Idaho Code, be, and the same is hereby amended to read as follows:

37-2711. SCHEDULE IV. (a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) No more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane)-;

(3) 2- [(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol (including tramadol), including its salts, optical and geometric isomers, and salts of isomers.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, 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) Alfaxalone 5[alpha]-pregnan-3[alpha]-ol-11,20-dione;

(2) Alprazolam;

(3) Barbital;

(4) Bromazepam;

(5) Camazepam;

(6) Carisoprodol;

(7) Chloral betaine;

(8) Chloral hydrate;

(9) Chlordiazepoxide;

(10) Clobazam;

(11) Clonazepam;

(12) Clorazepate;

(13) Clotiazepam;

(14) Cloxazolam;

(15) Delorazepam;

(16) Diazepam;

(17) Dichloralphenazone;

- (18) Estazolam;
- (19) Ethchlorvynol;
- (20) Ethinamate;
- (21) Ethyl loflazepate;
- (22) Fludiazepam;
- (23) Flurazepam;
- (24) Fospropofol;
- (25) Halazepam;
- (26) Haloxazolam;
- (27) Ketazolam;
- (28) Lemborexant;
- (29) Loprazolam;
- (2930) Lorazepam;
- (301) Lormetazepam;
- (312) Mebutamate;
- (323) Medazepam;
- (334) Meprobamate;
- (345) Methohexital;
- (356) Methylphenobarbital (mephobarbital);
- (367) Midazolam;
- (378) Nimetazepam;
- (389) Nitrazepam;
- (3940) Nordiazepam;
- (401) Oxazepam;
- (412) Oxazolam;
- (423) Paraldehyde;
- (434) Petrichloral;
- (445) Phenobarbital;
- (456) Pinazepam;
- (467) Prazepam;
- (478) Quazepam;
- (49) Remimazolam;
- (50) Serdexmethylpheniate;
- (4851) Suvorexant;
- (4952) Temazepam;
- (503) Tetrazepam;
- (514) Triazolam;
- (525) Zaleplon;
- (536) Zolpidem;
- (547) Zopiclone.

(d) Fenfluramine -- Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- (1) Dexfenfluramine;
- (2) Fenfluramine.

(e) 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 (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Cathine ((+)-norpseudoephedrine);
- (2) Diethylpropion;
- (3) Fencamfamin;
- (4) Fenproporex;
- (5) Lorcaserin;

- (6) Mazindol;
- (7) Mefenorex;
- (8) Modafinil;
- (9) Pemoline (including organometallic complexes and chelates thereof);
- (10) Phentermine;
- (11) Pipradrol;
- (12) Sibutramine;
- (13) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- (14) Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-amino-, carbamate(ester)).

(f) Other substances. Unless specifically excepted, or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

- (1) Pentazocine Brexanolone (3A-hydroxy-5A-pregnan-20-one), allo-pregnanolone;
- (2) Butorphanol (including its optical isomers);
- (3) Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers;
- (4) Pentazocine.

(g) The board may except, by rule, any compound, mixture, or preparation containing any depressant substance listed in subsection (c) of this section from the application of all or any part of this act if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

SECTION 4. That Section 37-2713, Idaho Code, be, and the same is hereby amended to read as follows:

37-2713. SCHEDULE V. (a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts, as set forth below.

(c) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;
- (2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;
- (3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;
- (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
- (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
- (6) Not more than 0.5 milligrams difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(d) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

- (1) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (also referred to as BRV; UCB-34714; Briviact) (including its salts);
- (2) Cenobamate[(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl]carbamate;
- (3) Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester]-2779;
- (34) Lacosamide;
- (45) Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)benzamide];
- (56) Pregabalin;
- (67) Pyrovalerone.

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, 2022.

Approved March 14, 2022

CHAPTER 48  
(S.B. No. 1244)

AN ACT

RELATING TO PROFESSIONS, VOCATIONS, AND BUSINESSES; REPEALING SECTION 54-1417, IDAHO CODE, RELATING TO THE ADVISORY COMMITTEE TO THE NURSING BOARD; AMENDING SECTION 67-2604, IDAHO CODE, TO REVISE PROVISIONS REGARDING DUTIES OF THE DIVISION ADMINISTRATOR; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-1417, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 67-2604, Idaho Code, be, and the same is hereby amended to read as follows:

67-2604. DUTIES OF DIVISION ADMINISTRATOR. (1) In administering the laws regulating professions, trades, and occupations within the division of occupational and professional licenses, and in addition to the authority granted to the administrator by the laws and rules of the agencies and entities within the division, the administrator may:

- (a) Revise the operating structure of the division as needed to provide efficient and appropriate services to the various professions, trades, occupations, and programs administered within the division;
- (b) Conduct examinations to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which an examination is held;
- (c) Pass upon the qualifications of applicants for reciprocal licenses, certificates, registrations, and authorities;
- (d) Prescribe rules for a fair and impartial method of examination of candidates to exercise the respective profession, trade, or occupation;

(e) Appoint hearing officers, administer oaths, take depositions of witnesses within or without the state in the manner provided by the administrative rules adopted by the division, issue subpoenas, compel the attendance of witnesses, and assess costs and fees incurred in the investigation and prosecution or defense of any certificate holder, licensee, or registrant of the division, in accordance with the provisions of section 12-117(5), Idaho Code, when applicable, the contested case provisions of chapter 52, title 67, Idaho Code, and laws and rules of the agencies within the division;

(f) Assess civil penalties as authorized for a violation of laws or rules, provided that any such civil penalty collected for a violation of laws or rules shall not exceed one thousand dollars (\$1,000), unless otherwise provided by statute or rule, and shall be deposited in the occupational licenses fund;

(g) Implement processes and promulgate rules for the administration of the chapters of those agencies assigned to the division, including but not limited to:

(i) The application, issuance, renewal, cancellation, and reinstatement of licenses, certificates, registrations, and permits, together with assessment of all related fees;

(ii) The terms by which fees may be prorated, if any; and

(iii) Procedures for the replacement of lost or destroyed licenses, certificates, or registrations;

(h) Employ individuals, make expenditures, enter into contracts, require reports, make investigations, travel, and take other actions deemed necessary;

(i) Collect and pay such fees as are required for criminal background checks of applicants, licensees, or registrants;

(j) Provide honoraria as set forth in section 59-509(p), Idaho Code, ~~unless otherwise specified in law or rule;~~

(k) Require applications to be verified under oath;

(l) Require applicants to provide a clear and legible copy of a government-issued photo identification;

(m) Notwithstanding any other provisions of law, terminate an application that has not had any activity within one (1) year, unless otherwise specified in law or rule;

(n) Issue a license, certificate, permit, or authority only on behalf of an agency that has administrative rules approved by the legislature; and

(o) Implement application processes that provide for clear administration of all licenses, registrations, permits, and certificates, including their status and history; and

(p) Establish advisory committees as needed to provide efficient and appropriate services to the various professions, trades, occupations, and programs administered within the division.

(2) Notwithstanding any law governing any agency within the division, each board or commission member shall hold office until a successor has been duly appointed and qualified.

(3) The administrator shall administer the following provisions and shall perform such additional duties as are imposed by law: chapter 41, title 39, Idaho Code, relating to the Idaho building code; chapter 40, title 39, Idaho Code, relating to manufactured homes; chapter 43, title 39, Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho Code, relating to manufactured home dealer and installer licensing; chapter 25, title 44, Idaho Code, relating to mobile home rehabilitation; chapter 10, title 54, Idaho Code, relating to electrical contractors and journeymen; chapter 19, title 54, Idaho Code, relating to public works contractors; chapter 26, title 54, Idaho Code, relating to plumbing and plumbers; chapter 45, title 54, Idaho Code, relating to public works construction management

licensing; chapter 50, title 54, Idaho Code, relating to installation of heating, ventilation and air conditioning systems; chapter 80, title 39, Idaho Code, relating to uniform public school building safety; chapter 59, title 33, Idaho Code, relating to Idaho school safety and security; chapter 86, title 39, Idaho Code, relating to elevator safety; and chapter 22, title 55, Idaho Code, relating to underground facilities damage prevention.

(4) For those agencies listed in subsection (3) of this section, the administrator may, in addition to those powers listed in this chapter:

- (a) Issue registrations, licenses, and certificates;
- (b) Charge a fee of seventy-five dollars (\$75.00) for each examination administered, unless a different fee is established in law or rule;
- (c) Conduct hearings on proceedings to discipline, renew, or reinstate licenses, certificates, or authorities of persons exercising the respective profession, trade, or occupation;
- (d) Revoke, suspend, refuse to renew, or take other disciplinary action against such licenses, certifications, or authorities; and
- (e) Assess civil penalties as authorized for a violation of law or rule.

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, 2022.

Approved March 14, 2022

CHAPTER 49  
(S.B. No. 1237)

AN ACT

RELATING TO VETERANS; AMENDING SECTION 65-506, IDAHO CODE, TO AUTHORIZE THE DIVISION OF HUMAN RESOURCES TO ISSUE CERTAIN RULES AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 65-506, Idaho Code, be, and the same is hereby amended to read as follows:

65-506. FAILING OR REFUSING TO GIVE PREFERENCE -- CIVIL LIABILITY. (1) Applicants who believe they have been denied a right or benefit under this chapter may file an appeal with the governing body of the jurisdiction or unit of government within thirty-five (35) days of the alleged denial of preference. If an applicant has notified the public employer of the applicant's eligibility for preference pursuant to section 65-503A, Idaho Code, the public employer shall provide notice of the appeal process at the conclusion of the selection process. If the public employer does not initiate the appeal process within thirty-five (35) days of a written request by the applicant, the applicant may file an appeal directly in district court pursuant to subsection (3) of this section. The thirty-five (35) day period for appeal shall commence upon the issuance of notice of the appeal process by the public employer. If the public employer fails to issue such notice, the thirty-five (35) day period for appeal shall commence when the applicant becomes aware that he was not selected for the position.

(2) The division of ~~veterans services~~ human resources is authorized and directed to issue rules for the enforcement of this chapter. Such rules shall include, but are not limited to, procedures public employers may implement for an internal process which that must be exhausted prior to gaining access to the courts.

(3) Any public employer who deliberately or willfully refuses or fails to give preference to qualified veterans required by the provisions of this chapter shall be subject to writs of mandate pursuant to sections 7-301 through 7-314, Idaho Code, and if found in violation of any such provisions shall be required to pay the costs of suit and reasonable attorney's fees incurred in such action, and may further be required to employ or reemploy the veteran, and shall be required to pay as damages such amount as the court may award, but in no event shall the amount of such damages and costs of suit exceed the sum of five thousand dollars (\$5,000) or ten percent (10%) of the annual salary of the position, whichever is higher. Such action must be commenced not more than one hundred eighty (180) days from the alleged denial of preference, provided however, applicants for classified state employment remain subject to the procedures set forth in section 67-5316, Idaho Code. If an appeal process is in place pursuant to subsection (1) of this section, the one hundred eighty (180) days will not begin until that process has been exhausted.

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, 2022.

Approved March 14, 2022

CHAPTER 50  
(H.B. No. 469)

AN ACT

RELATING TO THE PEACE OFFICERS STANDARDS AND TRAINING FUND; AMENDING SECTION 19-5116, IDAHO CODE, TO PROVIDE REFERENCE TO A CERTAIN ACCOUNT; AMENDING SECTION 23-404, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS SHALL BE DISTRIBUTED TO THE PEACE OFFICERS STANDARDS AND TRAINING FUND AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 19-5116, Idaho Code, be, and the same is hereby amended to read as follows:

19-5116. PEACE OFFICERS STANDARDS AND TRAINING FUND. (a) There is hereby established in the state treasury the peace officers standards and training fund. All moneys deposited to the fund shall be expended by the peace officer standards and training council for the following purposes:

- (1) Training peace officers, county detention officers, and self-sponsored students within the state of Idaho, including, but not limited to, sheriffs and their deputies, officers of the Idaho state police, conservation officers of the Idaho department of fish and game, emergency communications officers, and city and county prosecutors and their deputies;
- (2) Salaries, costs and expenses relating to such training as provided in paragraph (1) of this subsection;

(3) Such capital expenditures as the peace officer standards and training council may provide for the acquisition, construction and/or improvement of a peace officer standards and training academy; and

(4) Such expenditures as may be necessary to aid approved peace officers training programs or county detention officer programs certified as having met the standards established by the peace officer standards and training council.

(b) The peace officers standards and training fund shall be funded as provided in sections 31-3201A and, 31-3201B, and 23-404, Idaho Code.

(c) All contributions and other moneys and appropriations designated for peace officers standards and training shall be deposited in the peace officers standards and training fund.

(d) Moneys received into the fund as provided in subsection (c) of this section shall be accounted for separately.

(e) If the fiscal year-end balance in the fund pursuant to sections 31-3201A and, 31-3201B, and 23-404, Idaho Code, exceeds one million dollars (\$1,000,000), the excess shall revert to the general fund.

(f) Moneys received into the fund pursuant to the provisions of section 31-3201D, Idaho Code, shall be used for the purposes of providing basic training, continuing education and certification of misdemeanor probation officers, whether those officers are employees of or by private sector contract with a county.

SECTION 2. That Section 23-404, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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



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

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

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

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

(viii) The balance shall be transferred to the general fund, after one and one-half percent (1.5%) of such balance is transferred to the peace officers standards and training fund created in section 19-5116, Idaho Code.

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

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

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

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

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

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

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

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

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

SECTION 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, 2022.

CHAPTER 51  
(H.B. No. 559)

AN ACT

RELATING TO CONFINED ANIMAL FEEDING OPERATIONS; AMENDING CHAPTER 36, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3628B, IDAHO CODE, TO PROVIDE FOR THE CONFINED ANIMAL FEEDING OPERATIONS IMPROVEMENT FUND, TO PROVIDE FOR THE EXPENDITURE AND GRANTS OF MONEYS IN THE FUND, TO PROVIDE FOR AN ANNUAL REPORT TO THE LEGISLATURE, TO PROVIDE THAT CERTAIN LAW SHALL NOT APPLY TO THE FUND, TO PROVIDE FOR THE CAFO IMPROVEMENT FUND COMMITTEE, TO PROVIDE FOR THE RESPONSIBILITY AND AUTHORITY OF THE CAFO IMPROVEMENT FUND, AND TO PROVIDE THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL PROVIDE STAFF ASSISTANCE AND SUPPORT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 36, 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 39-3628B, Idaho Code, and to read as follows:

39-3628B. CONFINED ANIMAL FEEDING OPERATIONS (CAFO) IMPROVEMENT FUND ESTABLISHED. (1) There is hereby created and established in the state treasury the confined animal feeding operations (CAFO) improvement fund. The state treasurer shall invest the idle moneys of the fund, and the interest earned on such investments shall be retained by the fund. All moneys in the fund are appropriated continuously to the department of environmental quality to be used and administered by it for the purposes specified in subsection (3) of this section and shall not be subject to the provisions of chapter 36, title 67, Idaho Code, or section 67-3516, Idaho Code.

(2) The fund shall have paid into it any gifts or grants from any source when the same are made for purposes consistent with those for which the fund is established, interest due to the investment of moneys in the fund, or any other appropriation provided by the legislature.

(3) The department must expend or grant moneys from the CAFO improvement fund, as directed by the CAFO improvement fund committee, for a statewide grant program to support implementation of environmental improvement programs on confined animal feeding operations for the purpose of improving or implementing: by-product, waste, nutrient, and water management; application and storage systems; energy-efficiency projects related to processing of livestock by-products and waste; and renewable energy projects using livestock by-products or waste as a feedstock. The following are eligible for grants from the CAFO improvement fund:

(a) Owners and operators of a dairy farm as defined in section 37-604, Idaho Code;

(b) Owners and operators of a beef cattle animal feeding operation as defined in section 22-4904, Idaho Code; and

(c) Owners and operators of a concentrated animal feeding operation as defined in section 25-4002, Idaho Code.

(4) On or before the first day of each regular legislative session, the department must submit to the legislature a report of any moneys expended or obligated and any work begun or completed in the prior fiscal year pursuant to subsection (3) of this section.

(5) The CAFO improvement fund established under this section, and the administration of such fund, shall not be subject to the provisions of section 39-3614, Idaho Code.

(6) (a) There is hereby established the CAFO improvement fund committee to administer the CAFO improvement fund. The committee shall consist of seven (7) members as follows:

- (i) One (1) representative selected by and appointed by the director of the Idaho department of environmental quality;
- (ii) One (1) representative selected by and appointed by the director of the Idaho state department of agriculture;
- (iii) Two (2) representatives selected by and appointed by the Idaho dairymen's association;
- (iv) Two (2) representatives selected by and appointed by the Idaho cattle association; and
- (v) One (1) representative selected by and appointed by the dean of the college of agricultural and life sciences, university of Idaho.

(b) Each member shall be appointed to serve a three (3) year term, except that the term of the initial appointees shall commence on the date of appointment and shall be staggered such that at least two (2) positions are up for appointment each year. Appointments to fill vacancies shall be for the balance of the unexpired term. The director of the Idaho department of environmental quality may also name as may be needed those who have expertise necessary to assist in the work of the committee to serve as technical nonvoting advisers to the committee. Members of the committee shall be compensated pursuant to section 59-509(c), Idaho Code. The members of the committee shall appoint a chairperson from among its members. The committee shall meet as necessary to conduct its business and provide general direction to the director for administration of the funds under this section, but not less frequently than annually, provided that no annual meeting is required if there are no funds available under this section for administration.

(7) The CAFO improvement fund committee shall have sole responsibility and authority to:

(a) Establish the criteria for eligibility to receive a grant from the CAFO improvement fund, which shall include but not be limited to:

- (i) That any application must be for a project that meets the purpose for which the CAFO improvement fund moneys may be expended, as described in subsection (3) of this section;
- (ii) That any applicant must be of the class eligible to receive funds from the CAFO improvement fund, as described in subsection (3) of this section;
- (iii) That the applicant for a project must contribute or obtain, in kind or in cash, no less than forty percent (40%) of the total project cost from sources other than the CAFO improvement fund; and
- (iv) That no single project may receive in grant funding from the CAFO improvement fund more than twenty percent (20%) of the total funds appropriated to the CAFO improvement fund in any fiscal year.

(b) Solicit and review applications for qualifying projects as described in subsection (3) of this section;

(c) Establish the criteria to score and rank applications, which may include separating applications among classes based on CAFO size in order to ensure grant funding is made available to CAFOs of varying operational size;

(d) Score and rank project applications and determine the award of grants to applicants for qualifying projects that have been reviewed by the committee, and then direct the department accordingly;

(e) Monitor the completion of projects that receive a grant award and the results of projects after implementation; and

(f) Other duties as necessary to coordinate and implement administration of the provisions of this section by the director.

(8) The department of environmental quality shall provide staff assistance and support for the committee and administration of the CAFO improvement fund. The cost of administration of the provisions of this section shall be paid from legislative appropriations to the CAFO improvement fund.

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

Approved March 16, 2022

CHAPTER 52  
(H.B. No. 563)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3027, IDAHO CODE, TO REVISE PROVISIONS REGARDING COMPUTING IDAHO TAXABLE INCOME OF MULTISTATE OR UNITARY CORPORATIONS; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3029G, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3029I, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-4406, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE 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 63-3027, Idaho Code, be, and the same is hereby amended to read as follows:

63-3027. COMPUTING IDAHO TAXABLE INCOME OF MULTISTATE OR UNITARY CORPORATIONS. The Idaho taxable income of any multistate or unitary corporation transacting business both within and without this state shall be computed in accordance with the ~~rules set forth in provisions~~ of this section:

(a) As used in this section, unless the context otherwise requires:

(1a) "~~Business~~Apportionable income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from the acquisition, management, or disposition of tangible and intangible property when such acquisition, management, or disposition constitutes integral or necessary parts of the taxpayer's trade or business operations. ~~Gains or losses and dividend and interest income from stock and securities of any foreign or domestic corporation shall be presumed to be income from intangible property, the acquisition, management, or disposition of which constitutes an integral part of the taxpayer's trade or business; such presumption may only be overcome by clear and convincing evidence to the contrary arising from tangible and intangible property if the acquisition, management, employment, development, or disposition of the property constitutes integral or necessary parts of the taxpayer's trade or business operations.~~

(b) "Broadcast customer" means a person, corporation, partnership, limited liability company, or other entity that has a direct connection or contractual relationship with the broadcaster under which revenue is derived by the broadcaster, such as an advertiser or a platform distribution company.

(c) "Broadcaster" means a taxpayer that is a television broadcast network, a cable program network, or a television distribution company.

(2d) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(e) "Communications company" means any person or any related person described in section 267 of the Internal Revenue Code, whether individually or in the aggregate, that:

(i) Is:

1. A telecommunications carrier as defined in section 62-610B, Idaho Code;

2. A communications company that provides the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point or between or among points and includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as a voice over internet protocol service or is classified by the federal communications commission as enhanced or value added. The company may also provide video programming provided by or generally considered comparable to programming provided by a television broadcast station, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Video programming includes but is not limited to cable service as defined in 47 U.S.C. 522 and video programming services delivered by providers of commercial mobile radio service as defined in 47 CFR 20.3; or

3. A broadcast company that provides an over-the-air broadcast radio station or over-the-air broadcast television station; and

(ii) Owns, operates, manages, or controls any plant or equipment used to furnish telecommunications service, communication services, broadband services, internet service, or broadcast services directly or indirectly to the general public at large and derives at least seventy percent (70%) of its gross sales for the current taxable year from the provision of these services. For purposes of the seventy percent (70%) test, "gross sales" does not include interest, dividends, rents, royalties, capital gains, or ordinary gains from asset dispositions, other than in the normal course of business.

(3f) "Compensation" means wages, salaries, commissions, and any other form of remuneration paid to employees for personal services.

(g) "Film programming" means one (1) or more performances, events, or productions, or segments of performances, events, or productions, intended to be distributed for visual and auditory perception, including but not limited to news, entertainment, sporting events, plays, stories, or other literary, commercial, educational, or artistic works.

(4h) "~~Nonbusiness~~Nonapportionable income" means all income other than business apportionable income.

(5i) "Sales" or "receipts" means all gross receipts of the taxpayer not allocated under subsections (d) through (h) of this section and that are received from transactions and activities in the regular course of the

taxpayer's trade or business or otherwise required to be included as apportionable income.

(6j) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

(b2) Any taxpayer having income from business activity which that is taxable both within and without this state shall allocate and apportion such net income as provided in this section.

(3) In any case in which the provisions of section 63-3701, Idaho Code, are inconsistent with the provisions of this section, the provisions of this section shall control.

(e4) For purposes of allocation and apportionment of income under this section, a taxpayer is taxable in another state if:

(1a) In that state he is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

(2b) That state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

(d5) Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness nonapportionable income, shall be allocated as provided in subsections (e6) through (h9) of this section. Allocable nonbusiness nonapportionable income shall be limited to the total nonbusiness nonapportionable income received which is in excess of any related expenses which that have been allowed as a deduction during the taxable year. In the case of allocable nonbusiness nonapportionable interest or dividends, related expenses include interest on indebtedness incurred or continued to purchase or carry assets on which the interest or dividends are nonbusiness nonapportionable income.

(e6) (1a) Net rents and royalties from real property located in this state are allocable to this state.

(2b) Net rents and royalties from tangible personal property are allocable to this state:

(i) If and to the extent that the property is utilized in this state; or

(ii) In their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(3c) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(f7) (1a) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2b) Capital gains and losses from sales of tangible personal property are allocable to this state if:

(i) The property had a situs in this state at the time of the sale; or

(ii) The taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3c) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state, unless such gains and losses constitute business apportionable income as defined in this section.

(g8) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state, unless such interest or dividends constitute business apportionable income as defined in this section.

(h9) (1a) Patent and copyright royalties are allocable to this state:

(i) If and to the extent that the patent or copyright is utilized by the payer in this state, or

(ii) If and to the extent that the patent or copyright is utilized by the payer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(2b) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patent product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(3c) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

~~(i) (1) Notwithstanding the election allowed in article III.1 of the multistate tax compact enacted as section 63-3701, Idaho Code, all business income shall be apportioned to this state under subsection (j) of this section by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus two (2) times the sales factor, and the denominator of which is four (4), except as provided in paragraph (2) of this subsection.~~

(10) (a) All apportionable income shall be apportioned to this state under subsection (11) of this section by multiplying the income by a fraction, the numerator of which is the total sales of the taxpayer in Idaho during the tax period and the denominator of which is the total sales of the taxpayer everywhere during the tax period.

(2b) If a corporation, or a parent corporation of a combined group filing a combined report under sections 63-3027 and 63-3701, Idaho Code, is an electrical corporation as defined in section 61-119, Idaho Code, or is a telephone corporation as defined in section 62-603, Idaho Code, all business income of the corporation shall be apportioned. An electrical corporation as defined in section 61-119, Idaho Code, a telephone corporation as defined in section 62-603, Idaho Code, a communications company as defined in this section, or a taxpayer subject to a special industry regulation pursuant to subsection (18) of this section may elect to apportion all apportionable income of the taxpayer to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three (3). Where a taxpayer makes an election to use a special industry regulation under this paragraph, if the property, payroll, or sales factors are defined in a special industry regulation pursuant to subsection (18) of this section, those definitions or terms will be controlling to the extent they are in conflict with the definitions provided in subsections (12) through (16) of this section.



~~(j)(1)~~ (11)(a) In the case of a corporation or group of corporations combined under subsection ~~(22)~~ of this section, Idaho taxable income or loss of the corporation or combined group shall be determined as follows:

(i) From the income or loss of the corporation or combined group of corporations, subtract any ~~nonbusiness income~~, and add any ~~nonbusiness nonapportionable income~~ and subtract any ~~nonapportionable loss~~, included in the total; and

(ii) Multiply the amounts determined under subparagraph ~~(1)(i)~~ of this subsection paragraph by the Idaho apportionment percentage defined in subsection ~~(10)~~ of this section, taking into account, where applicable, the property, payroll, and sales of all corporations, wherever incorporated, which ~~that~~ are included in the combined group. The resulting product shall be the amount of business income or loss apportioned to Idaho.

~~(2b)~~ To the amount determined as ~~apportioned business apportionable~~ income or loss under paragraph ~~(1a)(ii)~~ of this subsection, add ~~nonbusiness nonapportionable~~ income allocable entirely to Idaho under the provisions of this section or subtract ~~nonbusiness nonapportionable~~ loss allocable entirely to Idaho under this section. The resulting sum is the Idaho taxable income or loss of the corporation.

~~(3c)~~ In the case of a corporation not subject to subsection ~~(22)~~ of this section, the income or loss referred to in paragraph ~~(1a)(i)~~ of this subsection shall be the taxable income of the corporation after making appropriate adjustments under the provisions of section 63-3022, Idaho Code.

(12) Sales of tangible personal property, including gross receipts from leases and other uses of tangible personal property, are in this state if:

(a) The property is delivered or shipped to a purchaser, other than the United States government, within this state, regardless of the free on board (f.o.b.) point or other conditions of the sale; or

(b) The property is shipped from an office, store, warehouse, factory, or other place of storage in this state; and

(i) The purchaser is the United States government; or

(ii) The taxpayer is not taxable in the state of the purchaser.

(13) Sales, other than sales of tangible property, are in this state if the taxpayer's market for the sales is in this state. The taxpayer's market for sales is in this state:

(a) In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

(b) In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

(c) In the case of a service, if and to the extent the service is delivered to a location in this state;

(d) In the case of intangible property that is:

(i) Rented, leased, or licensed, if and to the extent the property is used in this state, provided that intangible property utilized in marketing a good or service to a consumer is "used in this state" if that good or service is purchased by a consumer who is in this state; and

(ii) Sold, if and to the extent the property is used in this state, provided that:

1. A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is "used in this state" if the geographic area includes all or part of this state; and

2. Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under subparagraph (i) of this paragraph; and

(e) In the case of sales of a broadcaster from advertising or licensing income that arises from the broadcast or other distribution of film programming by any means, if the commercial domicile of the broadcast customer, as defined in this section, is in this state. Other sales of a broadcaster shall be apportioned in a manner consistent with the rules that apply to such sales.

(14) If the state or states of assignment under subsection (13) of this section cannot be determined, the state or states of assignment shall be reasonably approximated.

(15) A communications company, as defined in this section, may elect to use this subsection for purposes of sourcing sales other than the sales of tangible personal property. If such an election is made, sales other than sales of tangible personal property are in this state if:

(a) All the income-producing activity is performed in this state; or

(b) The income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(16) If a taxpayer makes the election in subsection (10) (b) of this section or is using an alternative method pursuant to subsection (17) of this section that requires the use of a property or payroll factor, the property and payroll factor definitions in this subsection apply.

(ka) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period, and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period.

(lb) Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

(mc) The average value of property shall be determined by averaging the values at the beginning and ending of the tax period, but the state tax commission may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

(nd) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the tax period by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the tax period.

(ee) Compensation is paid in this state if:

(1i) The individual's service is performed entirely within the state; or

(2ii) The individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or

(3iii) Some of the service is performed in the state and:

(i) 1. The base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state; or

~~(ii) 2.~~ The base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

~~(p) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period.~~

~~(q) Sales of tangible personal property are in this state if:~~

~~(1) The property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of the f.o.b. point or other conditions of the sale; or~~

~~(2) The property is shipped from an office, store, warehouse, factory, or other place of storage in this state and:~~

~~(i) The purchaser is the United States government, or~~

~~(ii) The taxpayer is not taxable in the state of the purchaser.~~

~~(r) Sales, other than sales of tangible property, are in this state, if:~~

~~(1) The income-producing activity is performed in this state; or~~

~~(2) The income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.~~

~~(s17) If the allocation and apportionment provisions of this section do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the state tax commission may require, in respect to all or any part of the taxpayer's business activity, if reasonable:~~

~~(1a) Separate accounting, provided that only that portion of general expenses clearly identifiable with Idaho business operations shall be allowed as a deduction;~~

~~(2b) The exclusion of any one (1) or more of the factors;~~

~~(3c) The inclusion of one (1) or more additional factors which that will fairly represent the taxpayer's business activity in this state; or~~

~~(4d) The employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.~~

~~(18) If the allocation and apportionment provisions of this section do not fairly represent the extent of business activity in Idaho of taxpayers engaged in a particular industry or in a particular transaction or activity, the state tax commission may, in addition to the authority in subsection (17) of this section, establish appropriate rules for determining alternative allocation and apportionment methods for such taxpayers. A rule adopted pursuant to this subsection shall be applied uniformly, except that, with respect to any taxpayer to whom such rule applies, the taxpayer may petition for, or the state tax commission may require, adjustment pursuant to subsection (17) of this section.~~

~~(19) (a) The party petitioning for, or the state tax commission requiring, the use of any method to effectuate an equitable allocation or apportionment of the taxpayer's income pursuant to subsection (17) of this section must prove by a preponderance of the evidence:~~

~~(i) That the allocation and apportionment provisions of this section do not fairly represent the extent of the taxpayer's business activity in Idaho; and~~

~~(ii) That the alternative to such provision is reasonable.~~

~~(b) The same burden of proof shall apply, whether the taxpayer is petitioning for, or the state tax commission is requiring, the use of any reasonable method to effectuate an equitable allocation and apportionment of the taxpayer's income. However, if the state tax commission can show that in any two (2) of the prior five (5) years the taxpayer had used an allocation or apportionment method at variance with its allocation~~

or apportionment method or methods used for such other tax years, then the state tax commission shall not bear the burden of proof in imposing a different method pursuant to subsection (17) of this section.

(20) If the state tax commission requires any method to effectuate an equitable allocation and apportionment of the taxpayer's income, the state tax commission cannot impose any civil or criminal penalty with reference to the tax due that is attributable to the taxpayer's reasonable reliance solely on the allocation and apportionment provisions of this section.

(21) A taxpayer that has received written permission from the state tax commission to use a reasonable method to effectuate an equitable allocation and apportionment of the taxpayer's income shall not have that permission revoked with respect to transactions and activities that have already occurred unless there has been a material change in, or a material misrepresentation of, the facts provided by the taxpayer upon which the state tax commission reasonably relied.

(~~t~~22) For purposes of this section and sections 63-3027B through 63-3027E, Idaho Code, the income of two (2) or more corporations, wherever incorporated, the voting stock of which is more than fifty percent (50%) owned directly or indirectly by a common owner or owners, when necessary to accurately reflect income, shall be allocated or apportioned as if the group of corporations were a single corporation, in which event:

(1a) The Idaho taxable income of any corporation subject to taxation in this state shall be determined by use of a combined report ~~which that~~ includes the income, determined under paragraph (2b) of this subsection, of all corporations ~~which that~~ are members of a unitary business, allocated and apportioned using apportionment factors for all corporations included in the combined report and methods set out in this section. The use of a combined report does not disregard the separate corporate identities of the members of the unitary group. Each corporation ~~which is~~ transacting business in this state is responsible for its apportioned share of the combined ~~business~~ apportionable income plus its ~~nonbusiness~~ nonapportionable income or loss allocated to Idaho, minus its net operating loss carryover or carryback.

(2b) The income of a corporation to be included in a combined report shall be determined as follows:

(i) For a corporation incorporated in the United States or included in a consolidated federal corporation income tax return, the income to be included in the combined report shall be the taxable income for the corporation after making appropriate adjustments under the provisions of section 63-3022, Idaho Code;

(ii) For a corporation incorporated outside the United States, ~~but not included in subsection (t) (2) subparagraph (i) of this section~~ paragraph, the income to be included in the combined report shall be the net income before income taxes of such corporation stated on the profit and loss statements of such corporation which are included within the consolidated profit and loss statement prepared for the group of related corporations of which the corporation is a member, which statement is prepared for filing with the United States securities and exchange commission. If the group of related companies is not required to file such profit and loss statement with the United States securities and exchange commission, the profit and loss statement prepared for reporting to shareholders and subject to review by an independent auditor may be used to obtain net income before income taxes. In the alternative, and subject to reasonable substantiation and consistent application by the group of related companies, adjustments may be made to the profit and loss statements of the corporation incorporated outside the United States, if necessary, to conform such statements to tax accounting standards as required by the

Internal Revenue Code as if such corporation were incorporated in the United States and required to file a federal income tax return, subject to appropriate adjustments under the provisions of section 63-3022, Idaho Code;

(iii) If the income computation for a group under subparagraphs (i) and (ii) of this paragraph results in a loss, such loss shall be taken into account in other years, subject to the provisions of subsections (b) and (c) of section 63-3022, Idaho Code; and

(iv) When one (1) or more corporations included in a combined report have excess inclusion income for a tax year that is taxable to those corporations pursuant to section 63-3011B, Idaho Code, the amount of such excess inclusion income shall be reported as the taxable income for those members of the combined group as provided by section 63-3011B, Idaho Code, and any net operating loss for that tax year or carried forward from an earlier tax year may be taken as deductions in other tax years, subject to the provisions of subsections (b) and (c) of section 63-3022, Idaho Code. In computing the net operating loss that may be used in another tax year for that corporation or other member of the combined return group, the excess inclusion income recognized as taxable income shall be deducted from gross income, as provided by treasury regulation 1.860E-1(a)(1).

(u23) If compensation is paid in the form of a reasonable cash fee for the performance of management services directly for the United States government at the Idaho national laboratory or any successor organization, separate accounting for that part of the business activity without regard to other activity of the taxpayer in the state of Idaho or elsewhere shall be required; provided that only that portion of general expenses clearly identifiable with Idaho business operations of that activity shall be allowed as a deduction.

(24) The state tax commission shall promulgate rules as necessary or appropriate to carry out the purposes of this section.

SECTION 2. That Section 63-3022, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022. ADJUSTMENTS TO TAXABLE INCOME. The additions and subtractions set forth in this section, and in sections 63-3022A through 63-3022U, Idaho Code, are to be applied to the extent allowed in computing Idaho taxable income:

(a) Add any state and local taxes, as defined in section 164 of the Internal Revenue Code that are measured by net income, or for which a credit is allowable under section 63-3029, Idaho Code, and paid or accrued during the taxable year adjusted for state or local tax refunds used in arriving at taxable income.

(b) Add the net operating loss deduction used in arriving at taxable income.

(c) (1) A net operating loss for any taxable year commencing on and after January 1, 2000, but before January 1, 2013, shall be a net operating loss carryback not to exceed a total of one hundred thousand dollars (\$100,000) to the two (2) immediately preceding taxable years. At the election of the taxpayer, the two (2) year carryback may be forgone and the loss subtracted from income received in taxable years arising in the next twenty (20) years succeeding the taxable year in which the loss arises in order until exhausted.

(2) A net operating loss for any taxable year commencing on or after January 1, 2013, shall be a net operating loss carryback not to exceed a total of one hundred thousand dollars (\$100,000) to the two (2) immediately preceding taxable years only if an amended return carrying the

loss back is filed within one (1) year of the end of the taxable year of the net operating loss that results in such carryback.

(3) Any portion of the net operating loss not subtracted from income in the two (2) preceding years may be subtracted from income in the next twenty (20) years succeeding the taxable year in which the loss arises in order until exhausted. The sum of the deductions may not exceed the amount of the net operating loss deduction incurred. The carryback shall be limited to a total of fifty thousand dollars (\$50,000) in the case of an individual filing as married filing separate in the year of the loss.

(4) Net operating losses incurred by a corporation during a year in which such corporation did not transact business in Idaho or was not included in a group of corporations combined under ~~subsection (t) of~~ section 63-3027(22), Idaho Code, may not be subtracted. However, if at least one (1) corporation within a group of corporations combined under ~~subsection (t) of~~ section 63-3027(22), Idaho Code, was transacting business in Idaho during the taxable year in which the loss was incurred, then the net operating loss may be subtracted. Net operating losses incurred by a person, other than a corporation, in activities not taxable by Idaho may not be subtracted.

(5) The term "income" as used in this subsection means Idaho taxable income as defined in this chapter as modified by section 63-3021(b) (2), (3) and (4), Idaho Code.

(d) In the case of a corporation, add the amount deducted under the provisions of sections 243(a) and (c), 244, 245, and 246A of the Internal Revenue Code (relating to dividends received by corporations and other special deductions) as limited by section 246(b) (1) of said code.

(e) In the case of a corporation, subtract an amount determined under section 78 of the Internal Revenue Code to be taxable as dividends.

(f) Subtract the amount of any income received or accrued during the taxable year ~~which that~~ is exempt from taxation by this state, under the provisions of any other law of this state or a law of the United States, if not previously subtracted in arriving at taxable income.

(g) For the purpose of determining the Idaho taxable income of the beneficiary of a trust or of an estate:

(1) Distributable net income as defined for federal tax purposes shall be corrected for the other adjustments required by this section.

(2) Net operating losses attributable to a beneficiary of a trust or estate under section 642 of the Internal Revenue Code shall be a deduction for the beneficiary to the extent that income from the trust or estate would be attributable to this state under the provisions of this chapter.

(h) In the case of an individual who is on active duty as a full-time officer, enlistee, or draftee, with the armed forces of the United States, which full-time duty is or will be continuous and uninterrupted for one hundred twenty (120) consecutive days or more, deduct compensation paid by the armed forces of the United States for services performed outside this state. The deduction is allowed only to the extent such income is included in taxable income.

(i) In the case of a corporation, including any corporation included in a group of corporations combined under ~~subsection (t) of~~ section 63-3027(22), Idaho Code, add any capital loss or passive loss deducted, which loss was incurred during any year in which such corporation did not transact business in Idaho. However, do not add any capital loss deducted if a corporation, including any corporation in a group of corporations combined under ~~subsection (t) of~~ section 63-3027(22), Idaho Code, was transacting business in Idaho during the taxable year in which the loss was incurred. In the case of persons other than corporations, add any capital loss or passive loss deducted which was incurred in activities not taxable by Idaho

at the time such loss was incurred. In computing the income taxable to an S corporation or partnership under this section, deduction shall not be allowed for a carryover or carryback of a net operating loss provided for in subsection (c) of this section, a passive loss or a capital loss provided for in section 1212 of the Internal Revenue Code.

(j) In the case of an individual, there shall be allowed as a deduction from gross income either paragraph (1) or (2) of this subsection at the option of the taxpayer:

(1) The standard deduction as defined in section 63 of the Internal Revenue Code; or

(2) Itemized deductions as defined in section 63 of the Internal Revenue Code except state or local taxes measured by net income and general sales taxes as either is defined in section 164 of the Internal Revenue Code.

(k) Add the taxable amount of any lump sum distribution excluded from gross income for federal income tax purposes under the ten (10) year averaging method. The taxable amount will include the ordinary income portion and the amount eligible for the capital gain election.

(l) Deduct any amounts included in gross income under the provisions of section 86 of the Internal Revenue Code relating to certain social security and railroad benefits.

(m) In the case of a self-employed individual, deduct the actual cost of premiums paid to secure worker's compensation insurance for coverage in Idaho, if such cost has not been deducted in arriving at taxable income.

(n) In the case of an individual for any tax period ending on or prior to December 31, 2016, deduct the amount contributed to a college savings program but not more than four thousand dollars (\$4,000) per tax year. In the case of an individual and for any tax period starting on or after January 1, 2017, deduct the amount contributed to a college savings program, but not more than six thousand dollars (\$6,000) per tax year. For those married and filing jointly, deduct the amount contributed to a college savings program, but not more than twice of that allowed for an individual. To be qualified for this deduction, the contribution must be made during the taxable year and made to an Idaho college savings program account as described in chapter 54, title 33, Idaho Code.

(o) In the case of an individual, add the amount of a nonqualified withdrawal from an individual trust account or savings account established pursuant to chapter 54, title 33, Idaho Code, less any amount of such nonqualified withdrawal included in the individual's federal gross income pursuant to section 529 of the Internal Revenue Code. The addition provided in this subsection is limited to contributions previously exempt from Idaho state income tax and earnings generated from the program as long as the earnings are not already included in federal adjusted gross income.

(p) In the case of an individual, add the amount of a withdrawal from an individual trust account or savings account established pursuant to chapter 54, title 33, Idaho Code, transferred to a qualified tuition program, as defined in section 529 of the Internal Revenue Code, that is operated by a state other than Idaho or to a qualified ABLE program as defined in section 529A of the Internal Revenue Code. The addition provided in this subsection is limited to the amount of the contributions to the Idaho individual trust account or savings account by the account owner that was deducted on the account owner's Idaho income tax return for the year of the transfer and the prior taxable year.

(q) Deduct any amount disallowed under section 461(1)(1)(B) of the Internal Revenue Code (relating to excess business losses) that is treated as part of the taxpayer's net operating loss carryforward for federal income tax purposes.

(r) Add the excess business losses under section 461(1) of the Internal Revenue Code, as required by section 63-3004, Idaho Code. The excess business losses may be carried forward and deducted as an Idaho net operating loss under section 63-3021, Idaho Code, successively over the next twenty (20) years succeeding the taxable year in which the loss arises until such losses are exhausted. Excess business losses shall not be carried back.

(~~rs~~) Subtract any amounts included in taxable income for funds received or loans forgiven pursuant to the provisions of the coronavirus aid, relief, and economic security act, P.L. 116-136.

(~~st~~) Subtract any amounts included in taxable income for loans forgiven pursuant to the paycheck protection program and health care enhancement act, P.L. 116-139, including economic injury disaster loan advance funds, and the paycheck protection program flexibility act of 2020, P.L. 116-142.

(~~tu~~) Add any amounts excluded from taxable income for funds received pursuant to the emergency rental assistance program established by section 501 of division N of the consolidated appropriations act, 2021, P.L. 116-260.

SECTION 3. That Section 63-3029G, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029G. CREDITS FOR RESEARCH ACTIVITIES CONDUCTED IN THIS STATE -- ~~CARRY FORWARD~~ CARRYFORWARD.

(1) (a) Subject to the limitations of this section, there shall be allowed to a taxpayer a nonrefundable credit against taxes imposed by sections 63-3024, 63-3025, and 63-3025A, Idaho Code, for increasing research activities in Idaho.

(b) The credit allowed by ~~subsection (1) paragraph~~ (a) of this subsection shall be the sum of:

(i) Five percent (5%) of the excess of qualified research expenses for research conducted in Idaho over the base amount; and

(ii) Five percent (5%) basic research payments allowable under ~~subsection (e) of~~ section 41(e) of the Internal Revenue Code for basic research conducted in Idaho.

(c) The credit allowed by ~~subsection (1) paragraph~~ (a) of this subsection shall be computed without regard to the calculation of the alternative incremental credit provided for in section 41(c) (4) of the Internal Revenue Code or the alternative simplified credit provided for in section 41(c) (5) of the Internal Revenue Code.

(2) As used in this section:

(a) The terms "qualified research expenses," "qualified research," "basic research payments" and "basic research" shall be as defined in section 41 of the Internal Revenue Code, except that the research must be conducted in Idaho.

(b) The term "base amount" shall mean an amount calculated as provided in sections 41(c) and 41(h) of the Internal Revenue Code, except that:

(i) A taxpayer's gross receipts include only those gross receipts attributable to sources within this state as provided in subsections (~~q12~~) and (~~r13~~) of section 63-3027, Idaho Code; and

(ii) Notwithstanding section 41(c) of the Internal Revenue Code, for purposes of calculating the base amount, a taxpayer:

(A) May elect to be treated as a start-up company as provided in section 41(c) (3) (B) of the Internal Revenue Code, regardless of whether the taxpayer meets the requirements of section 41(c) (3) (B) (i) (I) or (II) of the Internal Revenue Code; and



(B) May not revoke an election to be treated as a start-up company.

(3) The credit allowed by subsection (1)(a) of this section together with any credits carried forward under subsection (5) of this section shall not exceed the amount of tax due under sections 63-3024, 63-3025, and 63-3025A, Idaho Code, after allowance for all other credits permitted by this chapter. When credits earned in more than one (1) taxable year are available, the oldest credits shall be applied first.

(4) In the case of a group of corporations filing a combined report under ~~subsection (t) of~~ section 63-3027(22), Idaho Code, credit earned by one (1) member of the group but not used by that member may be used by another member of the group. For a combined group of corporations, any member of the group may claim credit carried forward unless the member who earned the credit is no longer included in the combined group.

(5) The credit allowed by subsection (1)(a) of this section shall be claimed for the taxable year during which the taxpayer qualifies for the credit. If the credit exceeds the limitation under subsection (3) of this section, the excess amount may be carried forward for a period that does not exceed the next fourteen (14) taxable years.

(6) In addition to other needed rules, the state tax commission may promulgate rules prescribing, in the case of S corporations, partnerships, trusts, or estates, a method of attributing the credit under this section to the shareholders, partners, or beneficiaries in proportion to their share of the income from the S corporation, partnership, trust, or estate.

SECTION 4. That Section 63-3029I, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029I. INCOME TAX CREDIT FOR INVESTMENT IN BROADBAND EQUIPMENT. (1) Subject to the limitations of this section, for taxable years beginning after January 1, 2001, there shall be allowed to a taxpayer a nonrefundable credit against taxes imposed by sections 63-3024, 63-3025, and 63-3025A, Idaho Code, for qualified expenditures in qualified broadband equipment in Idaho.

(2) The credit permitted in subsection (1) of this section shall be three percent (3%) of the qualified investment in qualified broadband equipment in Idaho and shall be in addition to the credit for capital investment permitted by section 63-3029B, Idaho Code.

(3) As used in this section, the term:

(a) "Qualified investment" shall be as defined in section 63-3029B, Idaho Code.

(b) "Qualified broadband equipment" means equipment that qualifies for the credit for capital investment permitted by section 63-3029B, Idaho Code, and is capable of transmitting signals at a rate of at least two hundred thousand (200,000) bits per second to a subscriber and at least one hundred twenty-five thousand (125,000) bits per second from a subscriber, and:

(i) In the case of a telecommunications carrier, such qualifying equipment shall be necessary to the provision of broadband service and an integral part of a broadband network. "Telecommunications carrier" has the meaning given such term by section 47 U.S.C. 153 of the communications act of 1934, as amended, but does not include a commercial mobile service provider.

(ii) In the case of a commercial mobile service carrier, such qualifying equipment shall extend from the subscriber side of the mobile telecommunications switching office to a transmitting/receiving antenna, including such antenna, on the outside of the structure in which the subscriber is located. "Commercial mobile service carrier" means any person authorized to provide commercial mobile radio service to subscribers as defined in section 20.3 of title 47, Code of Federal Regulations 47 CFR 20.3 (10-1-99 ed.), as amended.

(iii) In the case of a cable or open video system operator, such qualifying equipment shall extend from the subscriber's side of the headend to the outside of the structure in which the subscriber is located. The terms "cable operator" and "open video system operator" have the meanings given such terms by sections 602(5) and 653, respectively, of the communications act of 1934, as amended.

(iv) In the case of a satellite carrier or a wireless carrier other than listed above, such qualifying equipment is only that equipment that extends from a transmitting/receiving antenna, including such antenna, which transmits and receives signals to or from multiple subscribers to a transmitting/receiving antenna on the outside of the structure in which the subscriber is located. "Satellite carrier" means any person using the facilities of a satellite or satellite services licensed by the federal communications commission and operating a fixed-satellite service or direct broadcast satellite services to provide point-to-multipoint distribution of signals. "Other wireless carrier" means any person, other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video operator, or satellite carrier, providing broadband services to subscribers through the radio transmission of energy.

(v) In the case of packet switching equipment, such packet equipment installed in connection with other qualifying equipment listed in subsections (3) (b) (i) through ~~(3) (b) (iv)~~ of this section, provided it is the last in a series of equipment that transmits signals to a subscriber or the first in a series of equipment that transmits signals from a subscriber. "Packet switching" means controlling or routing the path of a digital transmission signal which is assembled into packets or cells.

(vi) In the case of multiplexing and demultiplexing equipment, such equipment only to the extent that it is deployed in connection with providing broadband services in locations between packet switching equipment and the structure in which the subscriber is located. "Multiplexing" means the transmission of two (2) or more signals over a communications circuit without regard to the communications technology.

(vii) Any property not primarily used to provide services in Idaho to public subscribers is not qualified broadband equipment.

(4) No equipment described in subsections (3) (b) (i) through ~~(3) (b) (vi)~~ of this section shall qualify for the credit provided in subsection (1) of this section until the taxpayer applies to and obtains from the Idaho public utilities commission an order confirming that the installed equipment is qualified broadband equipment. Applications submitted to the commission shall be governed by the commission's rules of procedure. The commission may issue procedural orders necessary to implement this section.

(5) The credit allowed by subsection (1) of this section together with any credits carried forward under subsection (7) of this section shall not, in any one (1) taxable year, exceed the lesser of:

(a) The amount of tax due under sections 63-3024, 63-3025, and 63-3025A, Idaho Code, after allowance for all other credits permitted by this chapter; or

(b) Seven hundred fifty thousand dollars (\$750,000).

When credits earned in more than one (1) taxable year are available, the oldest credits shall be applied first.

(6) In the case of a group of corporations filing a combined report under ~~subsection (t) of~~ section 63-3027(22), Idaho Code, credit earned by one (1) member of the group but not used by that member may be used by another member of the group, subject to the provisions of subsection (7) of this section, instead of carried over. For a combined group of corporations, credit carried forward may be claimed by any member of the group unless the member who earned the credit is no longer included in the combined group.

(7) If the credit allowed by subsection (1) of this section exceeds the limitation under subsection (5) of this section, the excess amount may be carried forward for a period that does not exceed the next fourteen (14) taxable years.

(8) In the event that qualified broadband equipment upon which the credit allowed by this section has been used ceases to qualify for the credit allowed by section 63-3029B, Idaho Code, or is subject to recapture of that credit, the recapture of credit under this section shall be in the same proportion and subject to the same provisions as the amount of credit required to be recaptured under section 63-3029B, Idaho Code.

(9) (a) Subject to the requirements of this subsection, a taxpayer who earns and is entitled to the credit or to an unused portion of the credit allowed by this section may transfer all or a portion of the unused credit to:

(i) Another taxpayer required to file a return under this chapter; or

(ii) To an intermediary for its use or for resale to a taxpayer required to file a return under this chapter.

In the event of either such a transfer, the transferee may claim the credit on the transferee's income tax return originally filed during the calendar year in which the transfer takes place and, in the case of carryover of the credit, on the transferee's returns for the number of years of carryover available to the transferor at the time of the transfer unless earlier exhausted.

(b) Before completing a transfer under this subsection, the transferor shall notify the state tax commission of its intention to transfer the credit and the identity of the transferee. The state tax commission shall provide the transferor with a written statement of the amount of credit available under this section as then appearing in the commission's records and the number of years the credit may be carried over. The transferee shall attach a copy of the statement to any return in regard to which the transferred credit is claimed.

(c) In the event that after the transfer the state tax commission determines that the amount of credit properly available under this section is less than the amount claimed by the transferor of the credit or that the credit is subject to recapture, the commission shall assess the amount of overstated or recaptured credit as taxes due from the transferor and not the transferee. The assessment shall be made in the manner provided for a deficiency in taxes under this chapter.

(10) In addition to other needed rules, the state tax commission may promulgate rules prescribing, in the case of S corporations, partnerships, trusts, or estates, a method of attributing the credit under this section to the shareholders, partners, or beneficiaries in proportion to their share of the income from the S corporation, partnership, trust, or estate.

SECTION 5. That Section 63-4406, Idaho Code, be, and the same is hereby amended to read as follows:

63-4406. LIMITATIONS, AND OTHER PROVISIONS ON CREDITS AGAINST INCOME TAXES. (1) In addition to other needed rules, the state tax commission may promulgate rules prescribing:

(a) In the case of S corporations, partnerships, trusts, or estates, a method of attributing a credit under this chapter to the shareholders, partners or beneficiaries in proportion to their share of the income from the S corporation, partnership, trust, or estate; and

(b) The method by which the carryover of credits and the duty to recapture credits shall survive and be transferred in the event of reorganizations, mergers or liquidations.

(2) In the case of a unitary group of corporations filing a combined report under ~~subsection (t) of~~ section 63-3027(22), Idaho Code, credits against income tax provided by sections 63-4403, 63-4404, and 63-4405, Idaho Code, earned by one (1) member of the group but not used by that member may be used by another member of the group, subject to the limitation in subsection (3) of this section, instead of carried over. For a combined group of corporations, credit carried forward may be claimed by any member of the group unless the member or members who earned the credit are no longer included in the combined group.

(3) The total of all credits allowed by sections 63-4403, 63-4404, and 63-4405, Idaho Code, together with any credits carried forward under subsection (4) of this section shall not exceed the amount of tax due under sections 63-3024, 63-3025, and 63-3025A, Idaho Code, after allowance for all other credits permitted by this chapter and the Idaho income tax act.

(4) If the credits exceed the limitation under subsection (3) of this section, the excess amount may be carried forward for a period that does not exceed:

(a) The next fourteen (14) taxable years, in the case of credits allowed by sections 63-4403 and 63-4404, Idaho Code; or

(b) The next ten (10) taxable years, in the case of credits allowed by section 63-4405, Idaho Code.

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, and retroactively to January 1, 2022.

Approved March 16, 2022

CHAPTER 53  
(S.B. No. 1268)

AN ACT

RELATING TO IDENTIFICATION CARDS; AMENDING SECTION 49-2444, IDAHO CODE, TO PROVIDE FOR A NO-FEE IDENTIFICATION CARD FOR AN INDIVIDUAL WHO IS HOMELESS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. 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 fifteen dollars (\$15.00), of which ten dollars (\$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 dollars (\$25.00), of which fifteen dollars (\$15.00) 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 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 card holder is temporarily out of state, except on active military duty, the identification 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 card holder.

(b) Upon returning to the state of Idaho, the identification 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 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.

(16) The department may issue an initial four (4) year no-fee identification card to an individual who is homeless. The department shall establish a form for verification of homelessness pursuant to this section. Such form shall require the signature of an outreach worker or service worker verifying that the individual is homeless and attesting to the individual's residency at an Idaho relief agency or shelter. An applicant issued an identification card under the provisions of this subsection shall be entitled to one (1) free replacement. Subsequent replacements and renewals of this identification card will be subject to the fees imposed in this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 16, 2022

CHAPTER 54  
(S.B. No. 1333)

AN ACT

RELATING TO THE FOURTH JUDICIAL DISTRICT; AMENDING SECTION 1-805, IDAHO CODE, TO REVISE THE NUMBER OF JUDGES IN THE FOURTH JUDICIAL DISTRICT AND TO REVISE PROVISIONS REGARDING RESIDENT CHAMBERS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

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

(2) The fourth judicial district shall have ~~twelve~~ thirteen (12~~3~~) district judges.

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

(a) ~~Eleven~~ Twelve (11~~2~~) resident chambers shall be established in Ada County; and

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

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, 2022.

Approved March 16, 2022



CHAPTER 55  
(S.B. No. 1231)

AN ACT

RELATING TO TRANSPORTATION; REPEALING SECTION 12, CHAPTER 341, LAWS OF 2015, TO REMOVE LEGISLATIVE INTENT LANGUAGE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 12, Chapter 341, Laws of 2015, be, and the same is hereby repealed.

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, 2022.

Approved March 16, 2022

CHAPTER 56  
(S.B. No. 1359)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE STATE AERONAUTICS (DEDICATED) FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE STRATEGIC INITIATIVES PROGRAM (DEDICATED) FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE STRATEGIC INITIATIVES PROGRAM (LOCAL) FUND FOR FISCAL YEAR 2022; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE ITD GARVEE DEBT SERVICE FUND FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE AERONAUTICS PROGRAM FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION PROGRAM FOR CAPITAL OUTLAY FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION PROGRAM FOR TRUSTEE AND BENEFIT PAYMENTS FOR FISCAL YEAR 2022; 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 \$6,400,000 from the General Fund to the State Aeronautics (Dedicated) Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 2. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$18,000,000 from the General Fund to the Strategic Initiatives Program (Dedicated) Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 3. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$210,000,000 from the General Fund to the Strategic Initiatives Program (Local) Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 4. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$18,485,000 from the General Fund to the ITD GARVEE Debt Service Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 151, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Idaho Transportation Department for the Aeronautics Program the following amounts to be expended according to the designated expense classes from the State Aeronautics (Dedicated) Fund for the period July 1, 2021, through June 30, 2022:

FOR:

Operating Expenditures	\$375,000
Capital Outlay	1,125,000
Trustee and Benefit Payments	<u>4,900,000</u>
TOTAL	\$6,400,000

SECTION 6. In addition to the appropriation made in Section 1, Chapter 151, Laws of 2021, and 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 \$18,000,000 from the Strategic Initiatives Program (Dedicated) Fund to be expended for capital outlay for the period July 1, 2021, through June 30, 2022.

SECTION 7. In addition to the appropriation made in Section 1, Chapter 151, Laws of 2021, and 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 \$210,000,000 from the Strategic Initiatives Program (Local) Fund to be expended for trustee and benefit payments for the period July 1, 2021, through June 30, 2022.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 16, 2022

CHAPTER 57  
(S.B. No. 1236)

AN ACT

RELATING TO HEALTH SAVINGS ACCOUNTS; AMENDING SECTION 67-5761B, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE STATE CONTRIBUTION TO STATE EMPLOYEE HEALTH SAVINGS ACCOUNTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5761B, Idaho Code, be, and the same is hereby amended to read as follows:

67-5761B. STATE CONTRIBUTION TO STATE EMPLOYEE HEALTH SAVINGS ACCOUNTS. (1) All state officers or employees may, for themselves and their eligible dependents, create and maintain a health savings account and choose a high deductible health plan in accordance with the provisions of this section.

(2) As used in this section:

(a) "Employer premium" means the costs to the state of Idaho for a policy of group insurance procured by the department of administration.

(b) "Health savings account" means an account at a financial institution that is designed to help individuals save for future health care expenses pursuant to 26 U.S.C. section 223.

(c) "High deductible health plan" means a health plan qualifying for use with a health savings account pursuant to 26 U.S.C. section 223, and offered by the department of administration to eligible state officers and employees.

(3) State officers or employees who choose a high deductible health plan for themselves and their eligible dependents shall qualify for the deposits provided for in subsection (4) of this section. Such officers or employees shall establish and create a health savings account and provide information concerning such account to their employer.

(4) For each pay period, the employer shall deposit no more than the difference between the employer premium for a state of Idaho high deductible health plan and the employer premium of the lowest deductible group health plan offered by the department of administration in the health savings account established and created by an officer or employee enrolled in a state of Idaho high deductible health plan. Deposits made pursuant to this subsection shall not exceed the United States internal revenue service's maximum allowable contribution to a health savings account.

(5) Nothing in this section shall prohibit state officers or employees with a health savings account from contributing to such account of their own accord.

(6) The department of administration may promulgate rules to implement the provisions of this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 16, 2022

CHAPTER 58  
(S.B. No. 1349)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; 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 Independent Living Council the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>FROM:</b>				
<b>General</b>				
Fund	\$133,800	\$103,900		\$237,700
<b>State Independent Living Council (Dedicated)</b>				
Fund	295,400	93,600		389,000
<b>Federal Grant</b>				
Fund	<u>24,400</u>	<u>9,400</u>	<u>\$25,100</u>	<u>58,900</u>
<b>TOTAL</b>	<b>\$453,600</b>	<b>\$206,900</b>	<b>\$25,100</b>	<b>\$685,600</b>

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Independent Living Council is authorized no more than four (4.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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, 2022.

Approved March 17, 2022

CHAPTER 59  
(S.B. No. 1256)

AN ACT

RELATING TO CRIMINAL HISTORY AND BACKGROUND CHECKS; AMENDING SECTION 56-1004A, IDAHO CODE, TO REVISE PROVISIONS REGARDING SIGNATURE REQUIREMENTS FOR CERTAIN APPLICATIONS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 56-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

56-1004A. CRIMINAL HISTORY AND BACKGROUND CHECKS. (1) To assist in the protection of children and vulnerable adults, the legislature hereby authorizes the department of health and welfare to conduct criminal history and background checks of individuals who provide care or services to vulnerable adults or children and are identified in rule as being required to have a criminal history and background check.

(2) To further assist in the protection of vulnerable adults, the department of health and welfare may:

(a) Conduct criminal history and background checks of those seeking guardianship or conservatorship and those who reside in an incapacitated person's proposed residence;

(b) Make the findings of such criminal history and background checks available to visitors, guardians ad litem and evaluation committees appointed pursuant to chapter 5, title 15 or chapter 4, title 66, Idaho Code; and

(c) Promulgate such rules as are necessary to carry out the provisions of this section.

The provisions of subsection (6) of this section shall not apply to criminal history and background checks conducted pursuant to this subsection.

(3) Criminal history and background checks will be conducted by the department of health and welfare when:

(a) Required or ordered by the court pursuant to chapter 5, title 15 or chapter 4, title 66, Idaho Code;

(b) Requested by those required to undergo such checks; and

(c) Paid for in full by those required to undergo such checks.

(4) The criminal history and background check will be a fingerprint-based check of state and national records and may include information from the following:

(a) Statewide criminal identification bureau;

(b) Federal bureau of investigation (FBI);

(c) Statewide sex offender registry;

(d) Idaho transportation department driving records;

(e) Adult and child protection registries;

(f) Nurse aide registry; and

(g) Department of health and human services office of the inspector general list of excluded individuals and entities.

(5) The department of health and welfare shall promulgate rules to further define those individuals who are required to have a criminal history and background check and the effective date. Each individual shall complete an application, which includes a ~~notarized~~ an electronic signature, on forms provided by the department. The completed application authorizes the department to obtain and release information in accordance with state and federal law. The applicant must disclose all information requested, including information on past convictions, driver's license revocations, and known adult or child protection findings. Once an application has been completed, the employer, at its discretion, may allow the individual to provide care or services prior to the individual completing fingerprinting and pending completion of the criminal history and background check by the department. The department shall promulgate rules defining the time frame for submitting the application. Under no circumstances may the individual be allowed to provide care or services where the employer has reviewed the completed application and the individual has disclosed a designated crime as set forth in rule.

(6) The department shall review the information received from the criminal history and background check and determine whether the applicant has a criminal or other relevant record that would disqualify the individual. The department shall determine which crimes disqualify the applicant and for what period of time according to promulgated rules. The process for the check and the issuance of a clearance or denial is set forth in department rules. The applicant shall be provided an opportunity for a formal review of a denial. The department shall communicate clearance or denial to the applicant and the applicant's employer.

(7) Applicants are responsible for the cost of the criminal history and background check except where otherwise provided by department rules.

(8) The department, or an employer of an applicant, ~~who~~ that acts in reasonable reliance on the results of the criminal history and background check in making an employment decision, is immune from liability for that decision when it is based on such results.

(9) The department, its officers and employees are immune from liability for the consequences of including or excluding classes of individuals in the criminal history and background check process.

(10) Clearance through the criminal history and background check process is not a determination of suitability for employment.

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, 2022.

Approved March 17, 2022

CHAPTER 60  
(S.B. No. 1258)

AN ACT

RELATING TO STATE HOSPITALS AND TREATMENT FACILITIES; AMENDING SECTION 36-401, IDAHO CODE, TO PROVIDE A REFERENCE TO STATE HOSPITAL WEST; AMENDING SECTION 56-203, IDAHO CODE, TO PROVIDE AUTHORITY TO MANAGE AND OPERATE STATE HOSPITALS TO THE STATE DEPARTMENT OF HEALTH AND WELFARE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-235, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-1003, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-1004, IDAHO CODE, TO PROVIDE A REFERENCE TO STATE HOSPITAL WEST; AMENDING SECTION 56-1408, IDAHO CODE, TO PROVIDE A REFERENCE TO STATE HOSPITAL WEST; AMENDING SECTION 67-5339, IDAHO CODE, TO REVISE PROVISIONS REGARDING A LOAN REPAYMENT PROGRAM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5303, IDAHO CODE, TO REVISE PROVISIONS REGARDING MEDICAL DIRECTORS EMPLOYED BY THE DEPARTMENT OF HEALTH AND WELFARE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING CHAPTER 1, TITLE 66, IDAHO CODE, RELATING TO STATE HOSPITALS; AMENDING SECTION 54-1761, IDAHO CODE, TO REMOVE A CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-401, Idaho Code, be, and the same is hereby amended to read as follows:

36-401. HUNTING, TRAPPING, FISHING -- LICENSE REQUIREMENT -- EXCEPTIONS. No person shall hunt, trap, or fish for or take any wild animal, bird or fish of this state, without first having procured a license as hereinafter provided. Provided that no license shall be required:

- (a) 1. For children under the age of fourteen (14) years who are residents of this state to fish during the open season therefor.
2. For nonresident children under the age of fourteen (14) years to fish during the open season therefor provided they are accompanied by the holder of a valid fishing license, and provided further that any fish caught by such nonresident children shall be included in the bag and possession limit of such license holder.
3. For resident children under the age of twelve (12) years to hunt, take or kill predatory, unprotected birds and animals by means other than with firearms.
4. For resident children under the age of fourteen (14) years to trap muskrats from irrigation ditches or property on which they live during the open season.
5. For children under the age of eighteen (18) years who are residents of a licensed foster home or a children's residential care facility to fish during the open season therefor, provided they are accompanied and supervised by the director, officer, or other employee of the facility where the child resides.
6. For children with life-threatening medical conditions participating in a hunt in association with a qualified organization as provided in section 36-408(6), Idaho Code.
7. For military veterans with disabilities participating in a hunt in association with a qualified organization as provided in section 36-408(7), Idaho Code.

8. For mentored hunters participating in a mentored hunting program as prescribed by the commission such that a person may apply to the department for a special authorization to take wildlife while accompanied by a mentor who possesses a valid Idaho hunting license and who is eighteen (18) years of age or older. At such time as a mentored hunter's special authorization is no longer valid, nothing in this paragraph shall be construed as altering the requirements of section 36-411, Idaho Code, to obtain a valid hunting license.

(b) For any person to fish on a "free fishing day" as may be designated by the commission.

(c) State Long-term Care Facility Residents. For any resident of a state long-term care facility to fish during open seasons, provided said state long-term care facility has a permit therefor from the director. The director is authorized to issue such permits upon the request of the head of the respective state long-term care facility having custody of said resident upon a showing that the state long-term care facility recommends the issuance of such permit and will assume full responsibility for and control over any resident while using said permit. For purposes of this subsection only, "state long-term care facility" shall mean the state hospital north, state hospital south, state hospital west, southwest Idaho treatment center, and state veterans homes, and "resident" shall mean any individual residing and receiving treatment services at a state long-term care facility.

(d) State Juvenile Corrections Center Students. For students of the state juvenile corrections center, under the supervision of an officer of the center, to fish during the open season.

(e) Boy Scouts. For boy scouts who are official participants in attendance at national or international encampments at Farragut State Park to take fish during the encampment period from Lake Pend Oreille in such areas and such numbers as may be designated by the commission.

(f) Participants in Fish and Game Sponsored Functions. For persons who are official participants in attendance at official department sponsored functions including clinics, courses or other educational events, while under the supervision of a department approved instructor for the function, to fish during any open season, provided that the instructor has been issued an educational fishing permit by the director.

(g) Nothing contained herein shall be construed to prohibit citizens of the United States who are residents of the state of Idaho from carrying arms for the protection of life and property.

SECTION 2. That Section 56-203, Idaho Code, be, and the same is hereby amended to read as follows:

56-203. POWERS OF STATE DEPARTMENT. The state department shall have the power to:

(1) Enter into contracts and agreements with the federal government through its appropriate agency or instrumentality whereby the state of Idaho shall receive federal grants-in-aid or other benefits for public assistance or public welfare purposes under any act or acts of congress heretofore or hereafter enacted;

(2) Cooperate with the federal government in carrying out the purposes of any federal acts pertaining to public assistance or welfare services, and in other matters of mutual concern;

(3) Cooperate with county governments and other branches of government and other agencies, public or private, in administering and furnishing public welfare services;

(4) Enter into reciprocal agreements with other states relative to the provisions of public assistance and welfare services to residents and non-residents;



(5) Initiate and administer public assistance and social services for persons with physical or mental disabilities;

(6) Establish such requirements of residence for public assistance under this act chapter as may be deemed advisable, subject to any limitations imposed in this act chapter;

(7) Define persons entitled to medical assistance in such terms as will meet requirements for federal financial participation in medical assistance payments;

(8) Accept the legal custody of children committed to it by district courts of this state under the Child Protective Act, to provide protective supervision as defined therein, to place children for adoption when such children are in the legal custody of the state department and are legally available for adoption, and to exercise consent to adoption when the authority to do so is vested in the department by court order or legally authorized parental relinquishment;

(9) Determine the amount, duration and scope of care and services to be purchased as medical assistance on behalf of needy eligible individuals;

(10) Manage and operate the southwest Idaho treatment center at Nampa, Idaho; and

(11) Manage and operate state hospital north at Orofino, Idaho; state hospital south at Blackfoot, Idaho; and state hospital west at Nampa, Idaho.

SECTION 3. That Section 56-235, Idaho Code, be, and the same is hereby amended to read as follows:

56-235. SOUTHWEST IDAHO TREATMENT CENTER. The establishment by law of the southwest Idaho treatment center at Nampa, Idaho, is hereby ratified and affirmed, and its operation continued; provided, however, that on and after the effective date of this act, the treatment center shall be in the general supervision, control and government of the state department of health and welfare. All rights and title to property, real and personal, belonging to or vested in the state board of health and welfare are hereby transferred and vested in the state department of health and welfare. The state department is empowered to acquire, by purchase or exchange, any property which that in the judgment of the department is needful for the operation of the treatment center, and to dispose of, by sale or exchange, any property which that in the judgment of the department is not needful for the operation of the same. The department of health and welfare shall have authority to administer the treatment center, to employ and release such personnel as are required for the operation of the treatment center, fix salaries, and to perform any other necessary and proper functions in the efficient and beneficial operation of the treatment center.

SECTION 4. 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 However, 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 obliga-

tions 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 Idaho Code, ~~and the provisions of this chapter~~, promulgate and recommend to the board rules to administer statutes related to health, and licensure and certification requirements pertinent to health. Such rules may be of general application across the state or may be limited in time, place, and circumstance as needed to address problems.

(3) The director, under rules adopted by the board, shall have general supervision of the health and welfare of the people of this state. The powers and duties of the director shall include but are not 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;

(c) 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;

(d) 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;

(e) 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;

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

(g) The supervision and administration of services dealing with substance abuse, including but not limited to treatment and rehabilitation;

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

(i) The supervision and administration of an emergency medical services 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;

(j) The supervision 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

(k) The enforcement of all laws and rules 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, 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, 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, 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 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, quarantine, or restricted access shall be de novo. The court may affirm, reverse, or modify the order and shall affirm the order if the director shows by 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 pur-

suant 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.

(e) Any person who violates an order of isolation, 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.

SECTION 5. That Section 56-1004, Idaho Code, be, and the same is hereby amended to read as follows:

56-1004. DIRECTOR -- ADDITIONAL POWERS AND DUTIES. (1) The director shall exercise the following powers and duties in addition to all other powers and duties inherent in the position:

(a) Prescribe such rules as may be necessary for the administration of the department, the conduct and duties of the employees, the orderly and efficient management of department business, and the custody, use and preservation of department records, papers, books and property belonging to the state;

(b) Employ such personnel as may be deemed necessary, prescribe their duties and fix their compensation within the limits provided by the state personnel system law;

(c) Administer oaths for all purposes required in the discharge of his duties;

(d) Prescribe the qualifications of all personnel of the department on a nonpartisan merit basis, in accordance with the Idaho personnel system law, provided however, that the administrators in charge of any division of the department, and the administrators in charge of the state hospital north, state hospital south, state hospital west, and southwest Idaho treatment center shall serve at the pleasure of the director;

(e) Create such units, sections and subdivisions as are or may be necessary for the proper and efficient functioning of the department.

(2) The department is empowered to acquire, by purchase, lease or exchange, any property which in the judgment of the department is needful for the operation of the facilities and programs for which it is responsible and to dispose of, by sale, lease or exchange, any property which in the judgment of the department is not needful for the operation of the same.

SECTION 6. That Section 56-1408, Idaho Code, be, and the same is hereby amended to read as follows:

56-1408. EXEMPTIONS. (1) State hospital south in Blackfoot, Idaho, and state hospital north in Orofino, Idaho, state hospital west in Nampa, Idaho, and the department of veterans affairs medical center in Boise, Idaho, are exempt from the assessment required by section 56-1404, Idaho Code.

(2) A private hospital that does not provide emergency services through an emergency department and is not categorized as "rehabilitation" or "psychiatric" as provided in section II.C. of the "application for hospital licenses and annual report -- 2007" by the bureau of facility standards of the department of health and welfare, is exempt from the assessment required by section 56-1404, Idaho Code.

SECTION 7. That Section 67-5339, Idaho Code, be, and the same is hereby amended to read as follows:

67-5339. LOAN REPAYMENT PROGRAM. (1) There is hereby created an educational loan repayment program for eligible physicians, psychologists, and mid-level practitioners at state hospital north, and state hospital south, and state hospital west.

(2) For purposes of this section, the following definitions shall apply:

(a) "Mid-level practitioner" means a position at a state hospital north ~~or state hospital south~~ that is licensed as a nurse practitioner pursuant to chapter 14, title 54, Idaho Code, or as a physician assistant pursuant to chapter 18, title 54, Idaho Code.

(b) "Physician" means a physician at a state hospital north ~~or state hospital south~~ that who is licensed to practice medicine pursuant to chapter 18, title 54, Idaho Code.

(c) "Psychologist" means a psychologist at a state hospital north ~~or state hospital south~~ that who is licensed to practice psychology pursuant to chapter 23, title 54, Idaho Code.

(3) The educational loan repayment program shall be subject to appropriation by the Idaho legislature.

(4) The educational loan repayment program shall be limited to the repayment of outstanding loans accrued prior to employment in a qualifying job class for undergraduate, graduate and medical school incurred by physicians, psychologists or mid-level practitioners who are eligible for the program under the provisions of this section.

(5) There is hereby created a state hospital governing body. The state hospital governing body shall have the responsibility to oversee the educational loan repayment program and the authority to offer loan repayment disbursements under the program and shall annually review each loan repayment agreement entered into pursuant to subsection (6) of this section and determine whether continuation of the loan repayment program for each participating employee shall occur based ~~upon~~ on the number of program participants and the availability of funds. The state hospital governing body shall consist of the administrator of the division of behavioral health, the hospital administrator of state hospital south, the president of the medical staff at state hospital south, and the hospital administrator of state hospital north, and the hospital administrator of state hospital west. The administrator of the division of behavioral health shall be the chair of the state hospital governing body.

(6) Employees eligible for loan repayment under the provisions of this section shall be required to enter into an agreement with the state hospital governing body each year a loan repayment disbursement is offered. The agreement shall include, but not be limited to, the following:

- (a) Disclosure of the employee's current student loan balance;
  - (b) Affirmation by the hospital that the employee has provided no less than two thousand eighty (2,080) credited state service hours prior to first disbursement and that the employee has obtained satisfactory performance standards during this time;
  - (c) Affirmation that any subsequent disbursements occur one (1) year or two thousand eighty (2,080) credited state service hours after the previous disbursement and that the employee has obtained satisfactory performance standards during this time; and
  - (d) Confirmation that any prior disbursements made under this program were used to pay outstanding student loans.
- (7) Loan repayment disbursements made pursuant to this section shall be limited to a period of four (4) years.
- (8) Loan repayment disbursements made pursuant to this section shall be made as follows:
- (a) For physician reimbursements, a single yearly reimbursement may be made to or on behalf of an eligible physician, not to exceed:
    - (i) Fifteen thousand dollars (\$15,000) for the employee's first year of eligibility;
    - (ii) Fifteen thousand dollars (\$15,000) for the employee's second year of eligibility;
    - (iii) Twenty thousand dollars (\$20,000) for the employee's third year of eligibility; and
    - (iv) Twenty-five thousand dollars (\$25,000) for the employee's fourth year of eligibility.
  - (b) For psychologist reimbursements, a single yearly reimbursement may be made to or on behalf of an eligible psychologist, not to exceed:
    - (i) Ten thousand dollars (\$10,000) for the employee's first year of eligibility;
    - (ii) Ten thousand dollars (\$10,000) for the employee's second year of eligibility;
    - (iii) Fifteen thousand dollars (\$15,000) for the employee's third year of eligibility; and
    - (iv) Fifteen thousand dollars (\$15,000) for the employee's fourth year of eligibility.
  - (c) For mid-level practitioner reimbursements, a single yearly reimbursement may be made to or on behalf of an eligible mid-level practitioner, not to exceed:
    - (i) Ten thousand dollars (\$10,000) for the employee's first year of eligibility;
    - (ii) Ten thousand dollars (\$10,000) for the employee's second year of eligibility;
    - (iii) Fifteen thousand dollars (\$15,000) for the employee's third year of eligibility; and
    - (iv) Fifteen thousand dollars (\$15,000) for the employee's fourth year of eligibility.

SECTION 8. That Section 67-5303, Idaho Code, be, and the same is hereby amended to read as follows:

67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state of Idaho and all employees in such departments, except those employees specifically defined as nonclassified, shall be classified employees, who are subject to this chapter and to the system of personnel administration which it prescribes. Nonclassified employees shall be:

- (a) Members of the state legislature and all other officers of the state of Idaho elected by popular vote, and persons appointed to fill vacancies in elective offices, and employees of the state legislature.

(b) Members of statutory boards and commissions and heads of departments appointed by and serving at the pleasure of the governor, deputy directors appointed by the director and members of advisory boards and councils appointed by the departments.

(c) All employees and officers in the office, and at the residence, of the governor; and all employees and officers in the offices of the lieutenant governor, secretary of state, attorney general, state treasurer, state controller, and state superintendent of public instruction who are appointed on and after the effective date of this chapter.

(d) Except as otherwise provided by law, not more than one (1) declared position for each board or commission and/or head of a participating department, in addition to those declared to be nonclassified by other provisions of law.

(e) Part-time professional consultants who are paid on a fee basis for any form of legal, medical or other professional service, and who are not engaged in the performance of administrative duties for the state.

(f) Judges, temporary referees, receivers and jurors.

(g) All employees of the Idaho supreme court, Idaho court of appeals and district courts.

(h) All employees of the Idaho state bar.

(i) Assistant attorneys general attached to the office of the attorney general.

(j) Officers, members of the teaching staffs of state educational institutions, the professional staff of the Idaho department of education administered by the board of regents and the board of education, and the professional staffs of the Idaho division of career technical education and vocational rehabilitation administered by the state board for career technical education. "Teaching staff" includes teachers, coaches, resident directors, librarians and those principally engaged in academic research. The word "officer" means presidents, vice presidents, deans, directors, or employees in positions designated by the state board who receive an annual salary of not less than step "A" of the pay grade equivalent to three hundred fifty-five (355) Hay points in the state compensation schedule. A nonclassified employee who is designated as an "officer" on July 5, 1991, but does not meet the requirements of this subsection, may make a ~~one (1) time~~ onetime irrevocable election to remain nonclassified. Such an election must be made not later than August 2, 1991. When such positions become vacant, these positions will be reviewed and designated as either classified or nonclassified in accordance with this subsection.

(k) Employees of the military division.

(l) Patients, inmates or students employed in a state institution.

(m) Persons employed in positions established under federal grants, which, by law, restrict employment eligibility to specific individuals or groups on the basis of nonmerit selection requirements. Such employees shall be termed "project exempt" and the tenure of their employment shall be limited to the length of the project grant, or twenty-four (24) months, or four thousand one hundred sixty (4,160) hours of credited state service, whichever is of the shortest duration. No person hired on a project-exempt appointment shall be employed in any position allocated to the classified service.

(n) Temporary employees.

(o) All employees and officers of the following named commodity commissions, and all employees and officers of any commodity commission created hereafter: the Idaho potato commission, as provided in chapter 12, title 22, Idaho Code; the Idaho honey commission, as provided in chapter 28, title 22, Idaho Code; the Idaho bean commission, as provided in chapter 29, title 22, Idaho Code; the Idaho hop grower's commission, as provided in chapter 31, title 22, Idaho Code; the Idaho wheat commission, as provided in chapter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as provided in

chapter 35, title 22, Idaho Code; the Idaho apple commission, as provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission, as provided in chapter 37, title 22, Idaho Code; the Idaho mint commission, as provided in chapter 38, title 22, Idaho Code; the Idaho sheep and goat health board, as provided in chapter 1, title 25, Idaho Code; the state brand inspector, and all district supervisors, as provided in chapter 11, title 25, Idaho Code; the Idaho beef council, as provided in chapter 29, title 25, Idaho Code; and the Idaho dairy products commission, as provided in chapter 31, title 25, Idaho Code.

(p) All inspectors of the fresh fruit and vegetable inspection service of the Idaho department of agriculture, except those positions involved in the management of the program.

(q) All employees of correctional industries within the department of correction.

(r) All deputy administrators and wardens employed by the department of correction. Deputy administrators are defined as only the deputy administrators working directly for the nonclassified division administrators under the director of the department of correction.

(s) All public information positions, with the exception of secretarial positions, in any department.

(t) Any division administrator.

(u) Any regional administrator or division administrator in the department of environmental quality.

(v) All employees of the division of financial management, all employees of the STEM action center, all employees of the office of species conservation, all employees of the office of drug policy, and all employees of the office of energy and mineral resources.

(w) All employees of the Idaho food quality assurance institute.

(x) The state appellate public defender, deputy state appellate public defenders and all other employees of the office of the state appellate public defender.

(y) All quality assurance specialists or medical investigators of the Idaho board of medicine.

(z) All pest survey and detection employees and their supervisors hired specifically to carry out activities under the Idaho plant pest act, chapter 20, title 22, Idaho Code, including but not limited to pest survey, detection, and eradication, except those positions involved in the management of the program.

(aa) All medical directors employed by the department of health and welfare who are engaged in the practice of medicine, as defined by section 54-1803, Idaho Code, ~~at an institution named in section 66-115, Idaho Code~~ a state hospital or other treatment facility managed and operated by the department of health and welfare.

SECTION 9. That Chapter 1, Title 66, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Section 54-1761, Idaho Code, be, and the same is hereby amended to read as follows:

54-1761. DEFINITIONS. As used in sections 54-1760 through 54-1765, Idaho Code:

(1) "Donation repository" means:

(a) A community health center as defined in section 39-3203, Idaho Code;

(b) A free medical clinic as defined in section 39-7702, Idaho Code;

(c) A designated regional behavioral health center as identified in chapter 31, title 39, Idaho Code; or



~~(d) A state charitable institution as defined in chapter 1, title 66, Idaho Code; or~~

~~(e) A drug outlet as defined in section 54-1705, Idaho Code.~~

(2) "Legend drug" has the same meaning as provided in section 54-1705(38), Idaho Code.

(3) "Medically indigent patient" means any person who is a resident of Idaho and who meets one (1) of the following conditions:

(a) The person is not eligible for medicaid or medicare;

(b) The person cannot afford private prescription drug insurance; or

(c) The person does not have income and other resources available sufficient to pay for a legend drug.

(4) "Qualified donor" means:

(a) Any entity that meets the definition of "donation repository" as provided in this section; or

(b) Any member of the public in accordance with section 54-1762, Idaho Code.

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, 2022.

Approved March 17, 2022

CHAPTER 61  
(H.B. No. 501)

AN ACT

RELATING TO THE IDAHO STATE CAPITOL; AMENDING SECTION 67-1602, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ALLOCATION AND CONTROL OF SPACE IN THE CAPITOL BUILDING AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-1602, Idaho Code, be, and the same is hereby amended to read as follows:

67-1602. IDAHO STATE CAPITOL -- ALLOCATION AND CONTROL OF SPACE. The space within the interior of the capitol building shall be allocated and controlled as follows:

(1) Public space. The interior within the rotunda<sub>7i</sub>; the hallways in the basement, including the underground atrium wings, and on the first and second floors<sub>7i</sub>; the restrooms located adjacent thereto<sub>7i</sub>; the elevators<sub>7i</sub>; and the stairways between the basement, including the underground atrium wings, and the first, second, third<sub>7i</sub>, and fourth floors (excepting the interior stairways between the third and fourth floors within the legislative chambers)<sub>7</sub> shall be space within the capitol building open to the public ("public space"). Subject to this chapter, the director of the department of administration shall maintain all public space.

(2) Executive department. The governor shall determine the use and allocate the space within the second floor. The director of the department of administration shall maintain such space.

(3) Legislative department. The legislative department shall determine the use of the space on the first, third, and fourth floors as well as the basement, which basement shall include the underground atrium wings. All space within the first, third, and fourth floors and the basement shall be allocated by the presiding officers of the senate and the house of representatives. Except as otherwise provided in subsection (1) of this section, ~~t~~The presiding officers shall maintain such space and provide equipment and furniture thereto, provided however, that the presiding officers may contract with the director of the department of administration to maintain such space and provide equipment and furniture thereto.

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

Approved March 17, 2022

CHAPTER 62  
(S.B. No. 1266)

AN ACT

RELATING TO DECEASED PERSONS; AMENDING SECTION 14-104, IDAHO CODE, TO REVISE A PROVISION REGARDING DEATH OF AN INTESTATE STRANGER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 14-107, IDAHO CODE, TO REVISE A PROVISION REGARDING NOTIFICATION TO A PUBLIC ADMINISTRATOR OF A DECEDENT'S PROPERTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-2117, IDAHO CODE, TO REVISE A PROVISION REGARDING DISPOSAL OF MONEY OR PROPERTY FOUND ON A DEAD BODY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3412, IDAHO CODE, TO REVISE A PROVISION REGARDING INDIGENT BURIAL OR CREMATION, TO AUTHORIZE CREMATION BY A CORONER IN CERTAIN INSTANCES, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 14-104, Idaho Code, be, and the same is hereby amended to read as follows:

14-104. DEATH OF INTESTATE STRANGER -- PUBLIC ADMINISTRATOR TO BE NOTIFIED. Whenever a stranger, or person without known heirs, dies intestate in the house or on the premises of another, the possessor of such premises, or anyone knowing the facts, must give notice thereof to the public administrator of the county within ~~forty-eight~~ seventy-two (4872) hours of knowledge of a death; and in default of so doing, he is liable for any damage that may be sustained thereby, to be recovered by the public administrator, or any party interested.

SECTION 2. That Section 14-107, Idaho Code, be, and the same is hereby amended to read as follows:

14-107. OFFICIALS TO NOTIFY ADMINISTRATOR OF DECEDENT'S PROPERTY. All public officials shall, within ~~forty-eight~~ seventy-two (4872) hours of knowledge of a death and upon verification of no legal next of kin or administrator of the decedent's estate, inform the public administrator of and make available to him all property known to them, belonging to a decedent who resided at the time of death in the county, which property is liable to loss, injury or waste, or which, by reason thereof, ought to be in the possession of the public administrator. The public administrator shall be responsible for determining if any heirs or a will exists in all cases where there are no known personal representatives.

SECTION 3. That Section 31-2117, Idaho Code, be, and the same is hereby amended to read as follows:

31-2117. DISPOSAL OF MONEY OR PROPERTY FOUND ON DEAD BODY. The coroner or other public official must notify the county treasurer, within ~~forty-eight~~ seventy-two (4872) hours of knowledge of a death and upon verification of no legal next of kin or administrator of the decedent's estate, of money or other property found on or with a dead body. The treasurer, upon receiving such funds, must deposit them to the credit of the county. On receiving other property in like manner he must, within thirty (30) days, sell it at public auction upon reasonable public notice, and must in like manner deposit the proceeds to the credit of the county.

SECTION 4. That Section 31-3412, Idaho Code, be, and the same is hereby amended to read as follows:

31-3412. INDIGENT BURIAL OR CREMATION. It shall be the duty of the board to provide for burial or cremation of any deceased indigent person. The amount paid by the obligated county shall not in any case exceed the established or negotiated rate set by each board. If the coroner, mortician, or other responsible parties are unable to establish next of kin or ~~other resources~~ have a signed waiver of intent to abandon, they may make application to the board. ~~Application must be made prior to services rendered and pursuant to terms of negotiated agreement.~~ If an application has been made pursuant to this section, a coroner may, prior to approval of such application, authorize a cremation ten (10) days following death. The county shall be free from any liability for said burial or cremation.

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, 2022.

Approved March 17, 2022

CHAPTER 63  
(H.B. No. 661)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF MEDICAID FOR FISCAL YEAR 2022; REDUCING THE APPROPRIATION TO THE DIVISION OF MEDICAID FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF PUBLIC HEALTH SERVICES FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2022; REDUCING THE APPROPRIATION TO THE DIVISION OF PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF INDEPENDENT COUNCILS 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 303, Laws of 2021, and any other appropriation provided by law, 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 for trustee and benefit payments from the listed funds for the period July 1, 2021, through June 30, 2022:

I. COORDINATED MEDICAID PLAN:

FROM:

Cooperative Welfare (Dedicated)

Fund	\$11,250,000
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II. ENHANCED MEDICAID PLAN:

FROM:

Cooperative Welfare (Dedicated)

Fund	\$2,250,000
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Cooperative Welfare (Federal)

Fund	\$16,000,000
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III. BASIC MEDICAID PLAN:

FROM:

Cooperative Welfare (Dedicated)

Fund	\$1,500,000
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IV. EXPANSION MEDICAID PLAN:

FROM:

Cooperative Welfare (General)

Fund	\$8,887,800
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GRAND TOTAL	\$39,887,800
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SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Division of Medicaid in Section 1, Chapter 303, Laws of 2021, from the following funds is hereby reduced for trustee and benefit payments for the period July 1, 2021, through June 30, 2022:

## I. COORDINATED MEDICAID PLAN:

## FROM:

Cooperative Welfare (General)	
Fund	\$3,312,400
Cooperative Welfare (Federal)	
Fund	\$7,937,600

## II. ENHANCED MEDICAID PLAN:

## FROM:

Cooperative Welfare (General)	
Fund	\$662,500
Cooperative Welfare (Federal)	
Fund	\$1,587,500

## III. BASIC MEDICAID PLAN:

## FROM:

Cooperative Welfare (General)	
Fund	\$441,700
Cooperative Welfare (Federal)	
Fund	\$1,058,300

## IV. EXPANSION MEDICAID PLAN:

## FROM:

Cooperative Welfare (Federal)	
Fund	\$30,562,200

GRAND TOTAL	\$45,562,200
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SECTION 3. In addition to the appropriation made in Section 1, Chapter 308, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Public Health Services the following amounts to be expended according to the designated expense classes from the Cooperative Welfare (Dedicated) Fund for the period July 1, 2021, through June 30, 2022:

## FOR:

Operating Expenditures	\$800,000
Trustee and Benefit Payments	<u>1,200,000</u>
TOTAL	\$2,000,000

SECTION 4. In addition to the appropriation made in Section 1, Chapter 188, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Psychiatric Hospitalization the following amounts to be expended according to the designated programs for personnel costs from the listed funds for the period July 1, 2021, through June 30, 2022:

I. STATE HOSPITAL SOUTH:

FROM:

Cooperative Welfare (Dedicated)	
Fund	\$3,000,000
Cooperative Welfare (Federal)	
Fund	\$1,000,000

II. STATE HOSPITAL WEST:

FROM:

Cooperative Welfare (General)	
Fund	\$2,000,000
 GRAND TOTAL	 \$6,000,000

SECTION 5. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Division of Psychiatric Hospitalization in Section 1, Chapter 188, Laws of 2021, from the following funds are hereby reduced for the following programs for personnel costs for the period July 1, 2021, through June 30, 2022:

I. STATE HOSPITAL SOUTH:

FROM:

Cooperative Welfare (General)	
Fund	\$3,350,000

II. STATE HOSPITAL WEST:

FROM:

Cooperative Welfare (Federal)	
Fund	\$2,000,000
 GRAND TOTAL	 \$5,350,000

SECTION 6. In addition to the appropriation made in Section 1, Chapter 277, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Domestic Violence Council the following amounts to be expended according to the designated expense classes from the Cooperative Welfare (Federal) Fund for the period July 1, 2021, through June 30, 2022:

FOR:

Personnel Costs	\$12,500
Trustee and Benefit Payments	<u>237,500</u>
TOTAL	\$250,000

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

Approved March 17, 2022

CHAPTER 64  
(H.B. No. 463)

AN ACT

RELATING TO THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 67-5710A, IDAHO CODE, TO INCREASE THE AUTHORIZED LIMITATION FOR PUBLIC WORKS PROJECTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-5710A, Idaho Code, be, and the same is hereby amended to read as follows:

67-5710A. REQUIREMENT OF PLANS AND SPECIFICATION APPROVAL BY PERMANENT BUILDING FUND ADVISORY COUNCIL AND DELEGATION OF PROJECT OVERSIGHT BY THE ADMINISTRATOR FOR THE DIVISION OF PUBLIC WORKS.

(1) (a) Except as set forth in this section, an existing public works may not be altered, repaired, constructed or improved on property owned or occupied by any state institution, department, commission, board or agency, if the estimated cost of work exceeds the limit established in section 67-5711, Idaho Code, without regard to source of funding, until the location, design, plans and specifications are approved by the permanent building fund advisory council and the project supervised by the division of public works or its designee.

(b) Facilities to be built with funds under the control of a nonstate entity, and owned or occupied by state entities, must have plans and specifications prepared, and all plans and specifications must be reviewed and approved by the permanent building fund advisory council prior to the advertising, bidding, construction and/or negotiation for construction of the facilities.

(c) Plans and specifications submitted for approval shall comply with public works statutes, life safety and building codes, and other applicable codes and regulations. The plans and specifications must also comply with any guidelines or procedures for design and construction adopted by the division of public works and approved by the permanent building fund advisory council.

(d) The following are exempt from the requirement of prior approval of location, design, plans, and specifications in this section:

(i) Emergency public works contracts issued pursuant to section 67-5711B, Idaho Code; and

(ii) Institutions and agencies exempt from the authority of the department of administration pursuant to section 67-5711, Idaho Code.

(2) ~~(a)~~ The administrator for the division of public works may delegate control over design, construction and all other aspects of a public works or maintenance project that costs less than one three hundred fifty thousand dollars (\$~~15300~~,000) to agencies of state government on a project-by-project basis, if a responsible party of the state agency requests that delegation in writing and the permanent building fund advisory council approves the delegation.

(ia) The state agency to whom control is delegated shall assume all responsibility for project budgets and shall receive funds appropriated for the project upon application and approval by the permanent building fund advisory council.

(iib) Delegation of project control does not exempt the state agency from complying with public works statutes, life safety and building codes or other applicable codes and regulations. The state agency also must comply with any guidelines or procedures for design and construction adopted by the division of public works and the permanent building fund advisory council.

(iiic) State agencies that receive delegated projects may not have access to permanent building fund advisory council contingency funds unless approved by the permanent building fund advisory council or authorized by appropriation.

(ivd) Prior written approval from the administrator must be granted for any public works utilizing sole source or limited competition. No agency will be delegated the ability to declare an emergency as defined in section 67-5711B, Idaho Code.

(ve) The permanent building fund advisory council may elect to audit any project for compliance with applicable codes and policies.

(vif) The delegated state agency will use standard documents for professional services contracts and for construction contracts as adopted by the division of public works.

(viig) Delegation is subject to cancellation by the administrator for the division of public works with the concurrence of the permanent building fund advisory council.

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

Approved March 17, 2022

CHAPTER 65  
(H.B. No. 540)

AN ACT

RELATING TO LAW ENFORCEMENT; AMENDING SECTION 39-6316, IDAHO CODE, TO PROVIDE FOR LAW ENFORCEMENT TRAINING, POWERS, AND DUTIES REGARDING SEXUAL ASSAULT COMPLAINTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-6316, Idaho Code, be, and the same is hereby amended to read as follows:

39-6316. LAW ENFORCEMENT OFFICERS -- TRAINING, POWERS, DUTIES. (1) All training provided by the peace officers standards and training academy relating to the handling of domestic violence or sexual assault complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations and sexual assault situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence and sexual assault shall cooperate in all aspects of such training.



(2) When a peace officer responds to a domestic violence or sexual assault call, the officer shall give a written statement to the victims which that alerts the victim to the availability of a shelter or other resources in the community, ~~and give the vietim~~ a written notice provided by the Idaho state police substantially stating the following:

IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in magistrate court requesting an order for protection from domestic abuse which could include any of the following: (a) an order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available from the clerk of the district court. The resources available in this community for information relating to domestic violence or sexual assault, treatment of injuries and places of safety and shelters are: (For safety reasons, inclusion of shelter/safe house addresses is not necessary). You also have the right to sue for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other out-of-pocket expenses for injuries sustained and damage to your property. This can be done without an attorney in small claims court if the total amount claimed is less than five thousand dollars (\$5,000).

(3) The peace officer shall make every effort to arrange, offer, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(4) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten (10) days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.

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, 2022.

Approved March 17, 2022

CHAPTER 66  
(H.B. No. 609)

AN ACT

RELATING TO LIENS OF MECHANICS AND MATERIALMEN; AMENDING SECTION 45-507, IDAHO CODE, TO REVISE PROVISIONS REGARDING A CLAIM OF A LIEN, TO PROVIDE A CORRECT CODE REFERENCE, AND TO PROVIDE FOR ATTORNEY'S FEES AND COSTS IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 45-507, Idaho Code, be, and the same is hereby amended to read as follows:

45-507. CLAIM OF LIEN. (1) Any person claiming a lien pursuant to the provisions of this chapter must file a claim for record with the county recorder for the county in which such property or some part thereof is situated.

(2) The claim shall be filed within ninety (90) days after the completion of the labor or services, or furnishing of materials.

(3) The claim shall contain:

(a) A statement of his demand, after deducting all just credits and offsets;

(b) The name of the owner, or reputed owner, if known;

(c) The name of the person by whom he was employed or to whom he furnished the materials; and

(d) A description of the property to be charged with the lien, sufficient for identification; and

(e) For work or materials subject to the provisions of section 45-525, Idaho Code, the required proof of disclosure and acknowledgment of receipt.

(4) Such claim must be verified by the oath of the claimant, his agent, or his attorney, to the effect that the affiant believes the same to be just.

(5) A true and correct copy of the claim of lien shall be served on the owner or reputed owner of the property either by an officer authorized by law to serve process delivering a copy thereof to the owner or reputed owner personally or by mailing a copy thereof by certified mail to the owner or reputed owner at his last known address. Such delivery or mailing shall be made no later than five (5) business days following the filing of said claim of lien.

(6) For purposes of this chapter, owner or reputed owner does not include a trustee of a deed of trust as defined and required by ~~section 45-1502 et seq.~~ chapter 15, title 45, Idaho Code.

(7) In any court proceeding regarding a lien filed pursuant to this section, the prevailing party shall be entitled to recover reasonable attorney's fees and costs.

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, 2022.

Approved March 17, 2022

CHAPTER 67  
(S.B. No. 1283)

AN ACT

RELATING TO MEDICAID; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-268, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING SUPPLEMENTAL MEDICAID REIMBURSEMENT FOR GROUND EMERGENCY MEDICAL TRANSPORTATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-268, Idaho Code, and to read as follows:

56-268. SUPPLEMENTAL MEDICAID REIMBURSEMENT FOR GROUND EMERGENCY MEDICAL TRANSPORTATION. (1) An eligible provider, as described in subsection (2) of this section, in addition to the rate of payment that the provider would otherwise receive for medicaid ground emergency medical transportation services, shall receive supplemental medicaid reimbursement to the extent provided by law.

(2) A provider shall be eligible for supplemental reimbursement only if, during the state fiscal year, the provider:

(a) Provides ground emergency medical transportation services to medicaid beneficiaries;

(b) Is enrolled as a medicaid provider for the period being claimed; and

(c) Is owned or operated by the state or a political subdivision of the state that employs or contracts with persons who are licensed to provide emergency medical services in the state of Idaho.

(3) An eligible provider's supplemental reimbursement pursuant to this section shall be calculated and paid as follows:

(a) The supplemental reimbursement to an eligible provider, as described in subsection (2) of this section, shall be equal to the amount of federal financial participation received because of the claims submitted pursuant to subsection (6) (b) of this section;

(b) In no instance may the amount certified pursuant to subsection (5) (a) of this section, when combined with the amount received from all other sources of reimbursement from the medicaid program, exceed one hundred percent (100%) of actual costs, as determined pursuant to the medicaid state plan, for ground emergency medical transportation services; and

(c) The supplemental medicaid reimbursement provided by this section must be distributed exclusively to eligible providers under a payment methodology based on ground emergency medical transportation services provided to medicaid beneficiaries by eligible providers on a per-transport basis or other federally permissible basis. The state department of health and welfare shall obtain approval from the centers for medicare and medicaid services for the payment methodology to be utilized and shall not make any payment pursuant to this section prior to obtaining that approval.

(4) (a) It is the legislature's intent in enacting this section to provide the supplemental reimbursement described in this section without any expenditure from the state general fund. An eligible provider, as a condition of receiving supplemental reimbursement pursuant to this section, shall enter into and maintain an agreement with the state department of health and welfare for the purposes of implementing this section and reimbursing the state for the costs of administering this section.

(b) The nonfederal share of the supplemental reimbursement submitted to the centers for medicare and medicaid services for purposes of claiming federal financial participation shall be paid only with funds from the governmental entities described in subsection (2)(c) of this section and certified to the state as provided in subsection (5) of this section.

(5) Participation in the program by an eligible provider described in this section is voluntary. If an applicable governmental entity elects to seek supplemental reimbursement pursuant to this section on behalf of an eligible provider, the governmental entity shall do the following:

(a) Certify, in conformity with the requirements of 42 CFR 433.51 or a successor regulation, that the claimed expenditures for the ground emergency medical transportation services are eligible for federal financial participation;

(b) Provide evidence supporting the certification as specified by the state department of health and welfare;

(c) Submit data as specified by the state department of health and welfare to determine the appropriate amounts to claim as expenditures qualifying for federal financial participation; and

(d) Keep, maintain, and have readily retrievable any records specified by the state department of health and welfare to fully disclose reimbursement amounts to which the eligible provider is entitled and any other records required by the centers for medicare and medicaid services.

(6) The state department of health and welfare shall promptly seek any necessary federal approval for the implementation of this section. The department may limit the program to those costs that are allowable expenditures under title XIX of the social security act, 42 U.S.C. 1396 et seq. If federal approval is not obtained for implementation of this section, then this section shall not be implemented.

(a) The state department of health and welfare shall submit claims for federal financial participation for the expenditures for the services described in this section that are allowable expenditures under federal law.

(b) The state department of health and welfare shall submit any necessary materials to the federal government to provide assurances that claims for federal financial participation will include only those expenditures that are allowable under federal law.

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

Approved March 17, 2022

CHAPTER 68  
(H.B. No. 607)

AN ACT

RELATING TO THE IDAHO STATE LOTTERY; AMENDING SECTION 67-7408, IDAHO CODE, TO PROVIDE THAT THE COMMISSION MAY ADOPT CERTAIN RULES AND REGULATIONS, TO REVISE PROVISIONS REGARDING CERTAIN JOINT LOTTERIES, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-7408, Idaho Code, be, and the same is hereby amended to read as follows:

67-7408. POWERS AND DUTIES OF THE COMMISSION. The commission shall be responsible for establishing the goals and objectives of the lottery and shall have the following duties, powers and responsibilities in addition to others herein granted:

(1) The commission shall ~~may~~ adopt, upon recommendation of the director, such rules and regulations governing the establishment and operation of the lottery as it considers necessary under this chapter to ensure the integrity of the lottery and its games and to maximize the net income of the lottery for the benefit of the state. Such rules and regulations shall generally address, but not be limited to:

(a) The different types of lottery games to be conducted;

(b) The range of prize structures of each lottery game;

(c) The method, odds and frequency of selecting winning tickets and shares and the manner of paying prizes to the owners of the winning tickets and shares;

(d) The terms and conditions of lottery game retailer contracts, which may include retailer compensation, bonuses, incentives, fees for redeeming claims, payment and credit terms, retailer application and renewal fees, telecommunication costs, if any, to be paid or allocated to retailers, and bonding requirements;

(e) The methods to be utilized in selling and distributing lottery tickets or shares, including the use of machines, terminals, telecommunications systems and data processing systems. Customer-operated machines, terminals or other devices for selling lottery tickets or shares shall ~~only~~ be operated only by the use of currency or coin; and

(f) Other matters necessary or appropriate for the efficient operation and administration of the lottery, for the convenience of the public, and to carry out the provisions of this chapter. Every rule promulgated within the authority conferred by this chapter shall be of temporary effect and must be ratified by the legislature at the regular session first following ~~their~~ its adoption. Rules not approved in ~~the above~~ this manner shall be rejected, null, void and of no force and effect on July 1, following their submission to the legislature.

(2) The commission shall approve major procurements.

(3) The commission shall approve the transfer of net income in accordance with the provisions of this chapter.

(4) The commission shall have the authority to enter into written agreements or contracts, negotiated and prepared by the director, with any other state or states, the government of Canada, the provinces of Canada, the government of Australia, the states of Australia, the government of the United Kingdom, or an agency or contractor of any of those entities for the operation and promotion of a joint lottery or joint lottery games. The commission, under no circumstance, shall have the authority to enter into written agreements or contracts with another country without an affirmative action by the legislature.

(5) The commission shall perform all other acts necessary to carry out the purposes and provisions of this chapter.

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, 2022.

Approved March 17, 2022

CHAPTER 69  
(S.B. No. 1361)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; 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 Commission for the Blind and Visually Impaired the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$911,100	\$71,700	\$599,200	\$1,582,000
Randolph Sheppard				
Fund		27,600	100,100	127,700
Rehabilitation Revenue and Refunds				
Fund		34,300	13,000	47,300
Miscellaneous Revenue				
Fund		28,100	56,300	84,400
Adaptive Aids and Appliances				
Fund	23,600	62,900		86,500
Federal Grant				
Fund	<u>2,417,000</u>	<u>593,900</u>	<u>470,300</u>	<u>3,481,200</u>
TOTAL	\$3,351,700	\$818,500	\$1,238,900	\$5,409,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission for the Blind and Visually Impaired is authorized no more than forty-one and twelve-hundredths (41.12) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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, 2022.

Approved March 17, 2022

CHAPTER 70  
(H.B. No. 524)

AN ACT

RELATING TO THE IDAHO TRANSPORTATION DEPARTMENT; AMENDING SECTION 40-514, IDAHO CODE, TO REMOVE A PROVISION REGARDING A CERTAIN AGENCY REPRESENTATIVE ON THE INTERAGENCY WORKING GROUP AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-514, Idaho Code, be, and the same is hereby amended to read as follows:

40-514. PUBLIC TRANSPORTATION SERVICES -- PUBLIC TRANSPORTATION SERVICES ADVISORY COUNCIL CREATED -- INTERAGENCY WORKING GROUP CREATED -- DEPARTMENT SUPPORT. (1) All state agencies except the department of education, and all public entities that use public funds to provide public transportation services within the state shall report not less often than semiannually to the department the amount of funding expended, audits conducted, the number of passengers carried, the agency vehicles used and the vehicle miles driven to provide transportation for Idaho citizens. Upon receipt of such information, the department shall:

(a) Develop a uniform data collection and reporting system; ~~information~~ information from said system shall be submitted annually to the joint finance-appropriations committee of the Idaho legislature, and, as public information, ~~it~~ shall also be available upon request;

(b) In cooperation with other state agencies and public entities, develop a comprehensive plan for public transportation; and

(c) Provide assistance to operators of local and regional transportation systems that are consistent with public program objectives of the state plan.

(2) (a) There is hereby created the public transportation advisory council to advise the Idaho transportation department on issues and policies regarding public transportation in Idaho. The council shall participate in planning activities, identify transportation needs, and promote coordinated transportation systems. Before setting programs and priorities, the council shall seek pertinent information, facts and data from local governments, agencies and providers regarding rural public transportation issues.

(b) The advisory council shall be composed of six (6) members appointed by the Idaho transportation board. Appointed members shall be representatives of local governments and agencies, private organizations, citizen groups and private providers that have an interest in public transportation, and people with disabilities and the elderly who utilize public transportation. The board shall appoint said members from recommendations submitted by said organizations, groups, providers, users and state agencies in each district. One (1) member shall be appointed from each of the six (6) transportation department ~~director~~ districts as provided in section 40-303, Idaho Code. The term of each member shall be three (3) years, and the initial appointments to the council shall be such that two (2) members shall be appointed each year thereafter.

(c) The council is authorized to meet three (3) times per year, with additional meetings as authorized by the board.

(d) Members of the advisory council shall be reimbursed according to the provisions of section 59-509(g), Idaho Code.

(3) (a) The director of the Idaho transportation department, together with the directors of the affected state agencies, shall establish an interagency working group to advise and assist the department in analyzing public transportation needs, identifying areas for coordination, and developing strategies for eliminating procedural and regulatory barriers to coordination at the state level. The group shall undertake detailed work assignments related to transportation services which that promote cooperation and collaboration among systems.

(b) The working group shall be composed of a representative from the office of the governor and one (1) staff representative from each of the following agencies which that expend public funds for transportation services or associations representing public transportation interests:

(ai) Idaho commission on aging;

(bii) ~~Idaho head start association;~~

~~(e)~~ Two (2) representatives from the Idaho department of health and welfare, one (1) of whom shall represent the division of medic-aid;

(diii) Idaho state department of education;

(eiv) Idaho transportation department;

(fv) Community transportation association;

(gvi) Idaho council on developmental disabilities;

(hvii) Division of vocational rehabilitation; and

(iviii) Idaho department of labor, workforce development council.

(c) Ex officio members may be appointed to the group as deemed necessary. Members of the working group representing state agencies shall be reimbursed by their respective agencies according to the provisions of section 59-509(b), Idaho Code.

(4) The interagency working group established in subsection (3) of this section shall:

(a) Meet at least once in each calendar quarter; and

(b) Discuss all agenda items submitted to it by any member of the group; and

(c) Provide notice of each meeting at least two (2) weeks in advance of the meeting; and

(d) Annually elect a chairman from among its members; such person shall not serve consecutive terms as chairman.

(5) The department shall provide the administrative support required by the council and the interagency working group.



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, 2022.

Approved March 18, 2022

CHAPTER 71  
(H.B. No. 525)

AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-305, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EXPIRATION OF COMMERCIAL LEARNER'S PERMITS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-305, Idaho Code, be, and the same is hereby amended to read as follows:

49-305. INSTRUCTION PERMITS -- COMMERCIAL LEARNER'S PERMIT -- TEMPORARY LICENSES -- MOTORCYCLE ENDORSEMENT INSTRUCTION PERMIT. (1) Upon passage of the required knowledge tests appropriate for the vehicle being operated, the department may issue a commercial learner's permit for the type of vehicle(s) the person will be operating, or a class D instruction permit for a class D motor vehicle, ~~entitling the applicant, while having the permit in his immediate possession, to.~~ Applicants, while in immediate possession of a commercial learner's permit, may drive a motor vehicle upon the highways for a period of up to one (1) year, and applicants with a class D instruction permit may drive a motor vehicle upon the highways for a period of up to one hundred eighty (180) days or as provided in paragraph (b) of this subsection (1) for certain class D instruction permits. That person must be accompanied by an adult driver eighteen (18) years of age or older who holds a valid driver's license appropriate for the vehicle being operated and who is actually occupying a seat beside the driver. Unless otherwise provided, ~~a commercial learner's permit or class D instruction permit will be valid for one hundred eighty (180) days and may be renewed one (1) time without requiring the permit holder to retake and pass the required knowledge tests for that class of permit, provided the knowledge tests are less than one (1) year old.~~

(a) Any person under the age of seventeen (17) years who has successfully completed an approved driver's training course and has satisfied the requirements of a class D supervised instruction permit, or any person who has reached the age of seventeen (17) years, may apply for a class D instruction permit. Any person applying for any class D instruction permit or driving privileges who is under the age of eighteen (18) years shall be in compliance with school attendance requirements of section 49-303A, Idaho Code.

(b) If a person reaches the age of seventeen (17) years while operating a class D vehicle with a class D supervised instruction permit, and such class D supervised instruction permit becomes a class D instruction permit as provided in section 49-307, Idaho Code, then such class D instruction permit shall expire five (5) days after the permittee's eighteenth birthday.

(c) Any person who has reached the age of eighteen (18) years, holds a valid Idaho class D driver's license, and has at least one (1) year of driving experience, may apply for a commercial learner's permit.

(d) The department shall not issue a hazardous material endorsement on any commercial learner's permit.

(2) The department may, at its discretion, issue a temporary class D driver's license to an applicant for a class D driver's license permitting him to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The temporary license may be canceled at the department's discretion at any time after issuance. The temporary license must be in the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's driver's license has been issued or for good cause has been refused.

(3) A certified copy of an applicant's birth certificate shall be required before a class D driver's license or class D instruction permit will be issued.

(4) The department may issue a motorcycle endorsement instruction permit to an applicant who has a valid driver's license and who has successfully completed the motorcycle rider's knowledge test and paid the appropriate fees. The permit entitles the applicant, while having the permit in his immediate possession, to operate a motorcycle upon the highways for a period not to exceed one hundred eighty (180) days. The motorcycle endorsement instruction permit may be renewed one (1) time without the requirement to retake and pass the motorcycle rider's knowledge test if the test is less than one (1) year old. If the permittee passes the skills test for a motorcycle endorsement within one hundred eighty (180) days of issuance of the motorcycle endorsement instruction permit, he shall not be required to pay the motorcycle endorsement fee. A person holding a motorcycle instruction permit shall not carry any passenger while operating a motorcycle, shall not operate a motorcycle except during the hours of daylight only, and shall not operate a motorcycle upon any interstate highway system. A violation of the conditions of a motorcycle endorsement instruction permit is an infraction. The department shall cancel the permit whether or not such violation results in conviction of the infraction.

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, 2022.

Approved March 18, 2022

CHAPTER 72  
(H.B. No. 523)

AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; REPEALING SECTION 49-327, IDAHO CODE, RELATING TO SURRENDER OF AN IDAHO DRIVER'S LICENSE AND APPLICATION FOR A DUPLICATE; AMENDING SECTION 49-331, IDAHO CODE, TO PROVIDE FOR THE UNLAWFUL USE OF A CANCELED DRIVER'S LICENSE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 49-1222, IDAHO CODE, RELATING TO SURRENDER OF AN IDAHO DRIVER'S LICENSE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-327, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 49-331, Idaho Code, be, and the same is hereby amended to read as follows:

49-331. UNLAWFUL USE OF DRIVER'S LICENSE. (1) It is a misdemeanor for any person:

(1a) To display or cause or permit to be displayed ~~or have in his possession~~ any mutilated or illegible, ~~cancelled~~ canceled, revoked, suspended, disqualified, fictitious, or fraudulently altered driver's license or to have in his possession any driver's license canceled pursuant to section 49-322(1), Idaho Code;

(2b) To lend his driver's license to any other person or knowingly permit the use of his driver's license by another;

(3c) To display or represent as one's own a driver's license not issued to him;

(4d) To fail or refuse to surrender to the department, upon its lawful demand, any driver's license ~~which that has been suspended, revoked, disqualified or cancelled~~ canceled pursuant to section 49-322(1), Idaho Code;

(5e) To use a false or fictitious name in any application for a driver's license, ~~or~~ to knowingly make a false statement, or to knowingly conceal a material fact or otherwise commit a fraud in any application;

(6f) To permit any unlawful use of a driver's license issued to him; or

(7g) To manufacture, produce, sell, offer for sale or transfer to another person any document purporting to be a certificate of birth or driver's license.

(2) In addition to the misdemeanor penalties that may be imposed for violation of the provisions of ~~paragraphs (1) through (7)~~ subsection (1) of this section, the court upon conviction may enter an order directing the department to suspend the driver's license, a permit to drive, privileges, or any nonresident's driving privileges for a period of ninety (90) days. A conviction under this section shall not be used as a factor or considered in any manner for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer, ~~nor shall~~ and such conviction shall not be grounds for nonrenewal of any insurance policy as provided in section 41-2507, Idaho Code.

SECTION 3. That Section 49-1222, Idaho Code, 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 July 1, 2022.

Approved March 18, 2022

CHAPTER 73  
(H.B. No. 532)

AN ACT

RELATING TO ELECTIONS; AMENDING CHAPTER 2, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-219, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING JUDICIAL REVIEW OF ELECTION RESULTS; AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE AN EXCEPTION AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 34-219, Idaho Code, and to read as follows:

34-219. JUDICIAL REVIEW -- ELECTION RESULTS. (1) If the vote count in an election has been completed and it appears to the secretary of state or a county clerk that an error has occurred in the administration of such election that may be sufficient to change the result of the election, then the secretary of state or clerk of the county in which such error appears to have occurred may petition the district court of the county in which the error appears to have occurred for judicial review of the election. The petition shall be filed within twenty-eight (28) days of the date of the election.

(2) The secretary of state or the county clerk initiating a petition under this section shall serve notice of the petition on:

- (a) Any candidate appearing on the ballot in such election; and
- (b) Any taxing district or other party responsible for placing an initiative, a referendum, or another question on the ballot in such election.

(3) The district court may:

- (a) Give such precedence on its docket to a petition under this section as the circumstances may require; and
- (b) Consider any evidence related to the error alleged in the petition.

(4) The scope of the district court's review shall be limited to whether the error alleged in the petition occurred and, if so, whether the error was sufficient to change the result of the election. If the court determines that the error was sufficient to change the result of the election, then the court shall declare the election void and order a new election to be held at the expense of the agency where the error occurred. The new election shall be held as soon as practicable and need not occur on a date provided in section 34-106, Idaho Code.

(5) Court proceedings held pursuant to this section shall be conducted according to the Idaho rules of civil procedure, as applicable, and any other rules deemed pertinent by the district court.

SECTION 2. That Section 34-106, Idaho Code, be, and the same is hereby amended to read as follows:

34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011, notwithstanding any other provisions of the law to the contrary, there shall be no more than two (2) elections conducted in any county in any calendar year, except as provided in this section or section 34-219, Idaho Code, and except that elections to fill vacancies in the United States house of representatives shall be held as provided in the governor's proclamation.

(1) The dates on which elections may be conducted are:

(a) The third Tuesday in May of each year; and

(b) The Tuesday following the first Monday in November of each year.

(c) In addition to the elections specified in paragraphs (a) and (b) of this subsection and subsection (7) of this section, an emergency election may be called upon motion of the governing board of a political subdivision. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or it is necessary to do emergency work to safeguard life, health or property.

(d) In addition to the elections specified elsewhere in this section, a presidential primary shall be held on the second Tuesday in March in each presidential election year. Presidential primaries shall be held separately from other primary elections, which shall be held on the third Tuesday in May even in presidential election years.

(2) Candidates for office elected in May shall take office on the date specified in the certificate of election but not more than sixty (60) days following the election.

(3) Candidates for office elected in November shall take office as provided in the constitution, or on January 1, next succeeding the November election.

(4) The governing board of each political subdivision subject to the provisions of this section, which, prior to January 1, 2011, conducted an election for members of that governing board on a date other than a date permitted in subsection (1) of this section, shall establish as the election date for that political subdivision the date authorized in subsection (1) of this section which falls nearest the date on which elections were previously conducted, unless another date is established by law.

(5) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules or interpretations for the conduct of election authorized under the provisions of this section.

(6) Water districts governed by chapter 6, title 42, Idaho Code, are exempt from the provisions of this section.

(7) Community colleges governed by chapter 21, title 33, Idaho Code, and school districts are subject to the limitations specified in subsection (1) of this section, except that school districts may also hold an election on the second Tuesday in March of each year and on the last Tuesday in August of each year on bonded indebtedness and property tax levy questions.

(8) A city initiative or referendum election shall be held on the Tuesday following the first Monday in November of odd-numbered years. A county initiative or referendum election or a bond, levy and any other ballot question elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section which falls more than sixty (60) days after the clerk of the political subdivision orders that such election shall be held in May or November of even-numbered years or more than fifty (50) days after the order for all other elections, unless otherwise provided by law. Ballot language for any question to be placed on the ballot shall be submitted to the county clerk at least sixty (60) days before an election held in May or November of even-numbered years and at least fifty (50) days before all other elections.

(9) Recall elections may be held on any of the four (4) dates authorized in subsections (1) and (7) of this section that fall more than forty-five (45) days after the clerk of the political subdivision orders that such election shall be held.

(10) Irrigation districts governed by title 43, Idaho Code, are subject to the limitations specified in subsection (1) of this section, except that irrigation districts may also hold an election on the first Tuesday in February of each year and on the first Tuesday in August of each year on questions required to be voted upon by title 43, 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, 2022.

Approved March 18, 2022

CHAPTER 74  
(S.B. No. 1347)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; 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 Office of Species Conservation the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$801,300	\$889,300		\$1,690,600
Miscellaneous Revenue				
Fund		15,000		15,000
Federal Grant				
Fund	<u>713,200</u>	<u>203,100</u>	<u>\$17,140,000</u>	<u>18,056,300</u>
TOTAL	\$1,514,500	\$1,107,400	\$17,140,000	\$19,761,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Species Conservation is authorized no more than fifteen (15.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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, 2022.

Approved March 18, 2022

CHAPTER 75  
(S.B. No. 1282)

AN ACT

RELATING TO ABSTRACTERS OF TITLE; REPEALING CHAPTER 1, TITLE 54, IDAHO CODE, RELATING TO ABSTRACTERS OF TITLE; AMENDING SECTION 63-307, IDAHO CODE, TO REMOVE A CODE REFERENCE, TO PROVIDE FOR EVIDENCE OF OWNERSHIP, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 1, Title 54, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 63-307, Idaho Code, be, and the same is hereby amended to read as follows:

63-307. OWNERSHIP IDENTIFICATION. (1) The assessor shall ascertain the current ownership of land from documents recorded in the county recorder's office and/or from evidence of ownership furnished to the assessor ~~which that~~ is admissible at trial in a civil action ~~pursuant to section 54-103, Idaho Code.~~ Evidence of ownership admissible in a civil action includes but is not limited to a policy of title insurance or title commitment issued by a duly qualified title insurance company licensed in the state of Idaho.

(2) Whenever any person is the owner of, or has contracted to purchase, either an undivided or defined portion of any real property assessed as a whole, such owner or purchaser, upon producing his deed, contract or other muniment of title, to the assessor at any time before the assessor has completed the assessment for that year, may have such assessment changed and corrected accordingly.

(3) No mistake in the name of the owner or failure to designate such owner shall in any manner affect the validity of the assessment or tax lien.

(4) If the ownership of any property is not known, such property must be assessed in the name of "unknown owner."

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, 2022.

Approved March 18, 2022

CHAPTER 76  
(S.B. No. 1228)

AN ACT

RELATING TO FENCES; REPEALING CHAPTER 2, TITLE 35, IDAHO CODE, RELATING TO INCLOSURES OF RESERVOIRS AND DUMPS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 2, Title 35, Idaho Code, be, and the same is hereby repealed.

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, 2022.

Approved March 18, 2022

CHAPTER 77  
(S.B. No. 1257)

AN ACT

RELATING TO THE SOUTHWEST IDAHO TREATMENT CENTER; AMENDING SECTION 56-234, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SOUTHWEST IDAHO TREATMENT CENTER; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 56-234, Idaho Code, be, and the same is hereby amended to read as follows:

56-234. LEGISLATIVE INTENT. It is hereby declared by the legislature that, in keeping with current state and national goals and best practice, increasing numbers of persons with developmental disabilities are being discharged to community facilities or private residences as an alternative to large public institutions licensed as intermediate care facilities for persons with intellectual disabilities. Such deinstitutionalization is highly desirable since it can lead to a fuller, richer and more independent life for persons with developmental disabilities. Recognizing that every individual has unique needs and differing abilities, the purpose of the following provisions is to clarify the department of health and welfare's duties and responsibilities with respect to persons with developmental disabilities, who are or may become residents of the southwest Idaho treatment center, a public institution licensed for nine (9) or more beds as an intermediate care facility for persons with intellectual disabilities. The following provisions shall be liberally construed to accomplish these purposes.

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, 2022.

Approved March 18, 2022



CHAPTER 78  
(S.B. No. 1295)

AN ACT

RELATING TO THE IDAHO CREDIT UNION ACT; AMENDING SECTION 26-2104, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 26-2106, IDAHO CODE, TO PROVIDE FOR THE AMENDMENT OF ARTICLES OF INCORPORATION AND BYLAWS; REPEALING SECTION 26-2108, IDAHO CODE, RELATING TO CORPORATE POWERS; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2108, IDAHO CODE, TO PROVIDE FOR CORPORATE POWERS; AMENDING SECTION 26-2109, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWER TO ACQUIRE AND HOLD REAL PROPERTY; REPEALING SECTION 26-2111, IDAHO CODE, RELATING TO EXPULSION AND/OR WITHDRAWAL FROM FIELD OR MEMBERSHIP; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2111, IDAHO CODE, TO PROVIDE FOR EXPULSION AND WITHDRAWAL FROM FIELD OR MEMBERSHIP; AMENDING SECTION 26-2113A, IDAHO CODE, TO PROVIDE FOR ELECTRONIC MEETINGS; AMENDING SECTION 26-2113B, IDAHO CODE, TO PROVIDE FOR ELECTRONIC MEETINGS; AMENDING SECTION 26-2114, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE REGARDING BOARD MEETINGS; REPEALING SECTION 26-2143, IDAHO CODE, RELATING TO BRANCH OFFICES; AND AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2143, IDAHO CODE, TO PROVIDE FOR HEAD OFFICES AND BRANCH OFFICES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 26-2104, Idaho Code, be, and the same is hereby amended to read as follows:

26-2104. DEFINITION AND USE OF TERMS. As used in this chapter unless the context otherwise requires:

(a) "Credit union" means a cooperative nonprofit corporation chartered under the provisions of this chapter.

(b) "Capital" means the shares of a credit union.

(c) "Director" means the director of the department of finance of the state of Idaho.

(d) "Federal supervisory agency" means the National Credit Union Administration.

(e) "Credit union services" means services such as draft and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of drafts, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar functions performed for a credit union.

(f) "Credit union service corporation" means a corporation organized to perform credit union services for two (2) or more credit unions, each of which owns part of the capital stock of such corporations, and which are subject to examination by either the department of finance of the state of Idaho or a federal supervisory agency.

(g) "Interstate credit union" means a credit union chartered under the provisions of this chapter or under the authority of the laws of another state and operating both in Idaho and in one (1) or more other states.

(h) "Invest" means any advance of funds to a credit union service corporation, whether by the purchase of stock, the making of a loan, or otherwise, except a payment for rent earned, goods sold and delivered, or services rendered prior to the making of such payment.

(i) "Surplus funds" means those funds which are not needed to meet a credit union's members' loan needs and credit union expenses.

(j) ~~"Nonmembers' certificates of indebtedness" means all funds received from individuals who are not members of the credit union must be called certificates of indebtedness and are to be shown on the books and records of the credit union as a separate and distinct category. The guaranteed rates of interest upon such certificates of indebtedness will be established by the board of directors.~~ "Unsafe or unsound practice" means any action or lack of action that is contrary to the generally accepted standards of prudent operation, the likely consequences of which, if continued, would be abnormal risk of loss or danger to a credit union, its members, or an organization insuring or guaranteeing its shares and deposits.

(k) "Electronic service facility" means an electronic device that is operated by a credit union and that can be used to conduct transactions or obtain services offered by the credit union.

SECTION 2. That Section 26-2106, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(3) A credit union's bylaws may be amended as provided in the bylaws. A copy of any amendments to the bylaws must be mailed by certified mail return receipt requested to the department of finance within twenty (20) days after the adoption thereof. Amendments to the bylaws become effective on approval by the director unless the amendments specify a different date. Amendments to the bylaws are deemed to be approved by the director if the director does not deny them within thirty (30) days following receipt of the amendments.

SECTION 3. That Section 26-2108, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2108, Idaho Code, and to read as follows:

26-2108. POWERS. A credit union shall have power to:

- (1) Make contracts;
- (2) Sue and be sued in the name of the credit union;
- (3) Own, hold, or use any real or personal property or any interest therein that is necessary or incidental to the credit union's operations, subject to the provisions of this chapter;
- (4) Require the payment of an entrance or membership fee of any applicant admitted to membership;
- (5) Receive from its members payments on shares and deposits of any type;

(6) Pay dividends or interest on shares and deposits as provided for in this chapter;

(7) Make loans to its members in accordance with this chapter and purchase or otherwise acquire, in whole or in part, obligations of its members. A credit union may only purchase or otherwise acquire obligations of its members that it could enter into directly with the members;

(8) Charge interest and other fees on loans, impose fees and charges in connection with the accounts and services provided to members, including fees for failure to meet obligations to the credit union, and recover costs, including attorney's fees and court costs, incurred in collecting amounts owed to the credit union, subject to other applicable law;

(9) Borrow money in an aggregate amount not to exceed fifty percent (50%) of its members' shares and deposits, plus undivided earnings;

(10) Deposit funds in federally insured banks and savings and loan companies and in state or federal credit unions and otherwise invest funds as provided in this chapter;

(11) Lease tangible personal property to its members;

(12) Hold membership in other state or federally chartered credit unions and in trade or other associations related to the credit union's business;

(13) Receive funds as shares or deposits from a state or federal credit union, bank, savings bank, savings and loan association, or any other type of depository institution;

(14) Receive deposits from the federal government, a state, or any political subdivision of the federal government or a state, or a corporation or other entity established by either;

(15) Establish and operate electronic service facilities to provide services in accordance with this chapter. An electronic service facility that is not operated by personnel on the premises at which the electronic service facility is located is not a branch office for the purposes of section 26-2143, Idaho Code;

(16) Make charitable contributions that are reasonable in amounts in relation to the credit union's financial circumstances;

(17) Indemnify its directors, supervisory committee members, officers, employees, and others in accordance with provisions in its bylaws that are consistent with the Idaho business corporation act;

(18) Provide financial counseling services to its members, including but not limited to investment counseling or advice and debt counseling;

(19) Act as an insurance producer, employ insurance producers, or enter into other arrangements with insurance producers to offer any type of insurance to members in accordance with the Idaho insurance code;

(20) Join, make deposits in or loans to, or purchase shares of any federal reserve bank, federal home loan bank, or central liquidity facility established under federal or state law;

(21) Receive funds as shares or deposits from a deferred compensation plan or other retirement plan that serves any of the credit union's members or potential members;

(22) Sell, pledge, discount, or otherwise dispose of, in whole or in part, obligations of its members and service obligations of which it has disposed;

(23) Offer tax return preparation and filing services for its members;

(24) Enter into joint marketing, networking, or referral arrangements to facilitate members' purchases of goods and services from third parties. Such arrangements may include compensation to the credit union, subject to applicable law;

(25) Guarantee the signature of a member in connection with a transaction that involves tangible or intangible property in which a member has or seeks to acquire an interest;

(26) Perform any of the following services for any person in an under-served area, as designated in 12 CFR 1026.35(b) (2) (iv) (B), that does not have an established relationship with a financial institution or for any person in any area if the credit union has been designated as a low-income credit union as that term is defined in 12 CFR 701.34:

- (a) Cashing and selling checks, drafts, or money orders;
- (b) Purchasing and selling foreign currencies in exchange for United States currency;
- (c) Wire transfers; and
- (d) Financial counseling services;

(27) Sell all or part of its assets, purchase all or part of the assets and assume all or part of the liabilities of another credit union, out-of-state credit union, or federal credit union, subject to the approval of the director; and

(28) Exercise such incidental powers as are necessary or convenient to enable the credit union to conduct the business of a credit union or to otherwise fulfill the purposes for which it was organized, in accordance with this chapter.

SECTION 5. That Section 26-2109, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

(4) For purposes of this section:

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

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

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

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

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

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

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

- (i) Raw land or land without development, significant buildings, structures, or site preparation;
- (ii) Land that has never had improvements;

(iii) Land that was improved at one time but has functionally reverted to its unimproved state; or

(iv) Land that has been improved, but the improvements serve no purpose for the credit union's planned use of the property.

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

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

(b) A credit union must make diligent efforts to dispose of abandoned premises and property acquired as described in subsection (3) of this section. The credit union must seek fair market value for the premises or property and record its efforts to dispose of the premises or property. The credit union must complete the sale within five (5) years of abandonment of the premises or acquisition of the property. Upon application by the credit union, the director shall approve the continued holding by the credit union for an additional period of five (5) years upon the credit union's showing of its good faith attempt to dispose of the premises or property, or that disposal within the first five (5) year period would be detrimental to the credit union. The director shall provide the credit union a written response, either approving or disapproving the application. If the director fails to respond within forty-five (45) days of receipt, the application is deemed approved. The director's decision shall be based on safety and soundness considerations. ~~The credit union shall, during the second five (5) year period, at the end of each year beginning at the end of the sixth year in which it holds the premises or property, write down the value of the premises or property by twenty percent (20%) of the value carried on its books at the beginning of the second five (5) year period. Value at the beginning of the second five (5) year period shall be the lower of cost or market value as determined pursuant to appraisal.~~

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

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

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

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

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

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

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

SECTION 6. That Section 26-2111, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2111, Idaho Code, and to read as follows:

26-2111. EXPULSION AND WITHDRAWAL FROM FIELD OR MEMBERSHIP. A member may be expelled in accordance with the bylaws and any policies established by the board. The credit union shall notify a member of the expulsion, the reasons for the expulsion, and the process by which the member may challenge the expulsion and seek reinstatement. The credit union shall, upon the request of the expelled member in accordance with this section, allow the member to challenge the expulsion and seek reinstatement as a member. A member who withdraws from membership or whose membership is otherwise terminated pursuant to the bylaws or who is expelled is not relieved of any liability to the credit union.

SECTION 8. That Section 26-2113A, Idaho Code, be, and the same is hereby amended to read as follows:

26-2113A. ANNUAL MEMBERSHIP MEETINGS. (1) A credit union's annual membership meeting shall be held in one of the communities where it maintains a branch to serve its members at such time and in such manner as the board prescribes, as permitted in the bylaws prescribe, and shall be conducted according to the rules of procedure approved by the board. If the meeting is conducted electronically, the credit union shall offer a means of participation in the meeting for members that are unable to participate electronically using their own communication services and equipment.

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

SECTION 9. That Section 26-2113B, Idaho Code, be, and the same is hereby amended to read as follows:

26-2113B. SPECIAL MEMBERSHIP MEETINGS. (1) A special membership meeting of a credit union may be called by:

- (a) A majority vote of the board;
- (b) A majority vote of the supervisory committee to suspend a director for cause; or
- (c) A written petition signed or similarly authenticated by at least ten percent (10%) or two thousand (2,000) of the members of a credit union, whichever is less.

(2) Call of a special membership meeting of a credit union shall be in writing submitted to the secretary of the credit union by the board, the petitioners or the supervisory committee as applicable and, shall state specifically the purpose or purposes for which the meeting is called and the agenda item or items for consideration by the members at the meeting. If the special membership meeting is called for the removal of one (1) or more directors or supervisory committee members, the call shall state the name of each individual whose removal is sought.

(3) (a) On receipt of a call for a special membership meeting, the secretary of the credit union shall determine whether the call satisfies the requirements of this section. If so, the secretary shall determine a reasonable date, and time, and place at which the special membership meeting will be held and provide notice of the special membership meeting in accordance with the requirements of this subsection. The special membership meeting must be held at a reasonable location within the county in which the principal place of business of the credit union is located, unless provided otherwise in the manner prescribed by the board in accordance with the bylaws. If the meeting is conducted electronically, the credit union shall offer a means of participation in the meeting for members who are unable to participate electronically using their own communication services and equipment. The special membership meeting must be held no later than sixty (60) days after the date on which the call is received by the secretary.

(b) The secretary shall give notice of the special membership meeting at least thirty (30) days before the date of the meeting, or within such other reasonable time period as may be provided in the bylaws. The notice must state the purpose or purposes for which the special membership meeting is called and the agenda items for the meeting. If the special membership meeting is called for the removal of one (1) or more directors or supervisory committee members, the notice must state the name of each individual whose removal is sought.

(4) Except as provided in this subsection, the chairperson of the board shall preside over special membership meetings. If the purpose of the special membership meeting includes the removal of the chairperson, the next highest-ranking board officer whose removal is not sought shall preside over the meeting. If the removal of all board officers is sought, the chairperson of the supervisory committee shall preside over the special membership meeting.

(5) At the special membership meeting, only those agenda items that are stated in the notice for the meeting may be considered.

(6) Special membership meetings shall be conducted according to the rules of procedure set forth in the bylaws. If the bylaws do not specify the rules of procedure that shall govern a special membership meeting, the special membership meeting shall be conducted according to the rules of procedure approved by the board.

SECTION 10. That Section 26-2114, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



SECTION 11. That Section 26-2143, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2143, Idaho Code, and to read as follows:

26-2143. HEAD OFFICE AND BRANCH OFFICES. (1) A credit union may relocate its head office and the location of its books and records upon written notice to the director.

(2) A credit union may, under such rules as the director may adopt, establish branch offices at locations other than its head office. A credit union shall notify the director in writing at least thirty (30) days before opening a branch office location to conduct business.

(3) Prior to opening a branch office location, a credit union must obtain written approval from the director if:

(a) The credit union is subject to an order issued by the director pursuant to this chapter;

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

(c) The location of a proposed branch office is outside of the credit union's current field of membership if its membership is based on a well-defined neighborhood, community, or rural district.

SECTION 13. 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, 2022.

Approved March 18, 2022

CHAPTER 79  
(S.B. No. 1348)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; 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 Division of Vocational Rehabilitation the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. EXTENDED EMPLOYMENT SERVICES:</b>					
FROM:					
General					
Fund	\$322,400	\$91,600		\$3,202,900	\$3,616,900
<b>II. VOCATIONAL REHABILITATION:</b>					
FROM:					
General					
Fund	\$2,223,200	\$306,600	\$55,500	\$1,784,500	\$4,369,800
Rehabilitation Revenue and Refunds					
Fund	69,900	41,500		1,040,000	1,151,400
Miscellaneous Revenue					
Fund	78,300	46,200		850,000	974,500
Federal Grant					
Fund	<u>9,112,700</u>	<u>1,556,400</u>	<u>349,100</u>	<u>7,729,700</u>	<u>18,747,900</u>
TOTAL	\$11,484,100	\$1,950,700	\$404,600	\$11,404,200	\$25,243,600
<b>III. COUNCIL FOR THE DEAF AND HARD OF HEARING:</b>					
FROM:					
General					
Fund	\$427,000	\$77,000	\$3,400		\$507,400
Miscellaneous Revenue					
Fund	<u>0</u>	<u>3,000</u>	<u>0</u>		<u>3,000</u>
TOTAL	\$427,000	\$80,000	\$3,400		\$510,400
<b>GRAND TOTAL</b>	<b>\$12,233,500</b>	<b>\$2,122,300</b>	<b>\$408,000</b>	<b>\$14,607,100</b>	<b>\$29,370,900</b>

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Vocational Rehabilitation is authorized no more than one hundred fifty-one (151.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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, 2022.

Approved March 18, 2022

CHAPTER 80  
(S.B. No. 1270)

AN ACT

RELATING TO THE DOWN SYNDROME DIAGNOSIS INFORMATION ACT; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 97, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE APPLICABILITY, AND TO PROVIDE DUTIES OF THE DEPARTMENT OF HEALTH AND WELFARE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 97, Title 39, Idaho Code, and to read as follows:

CHAPTER 97  
DOWN SYNDROME DIAGNOSIS INFORMATION ACT

39-9701. SHORT TITLE. This chapter shall be known and may be cited as the "Down Syndrome Diagnosis Information Act."

39-9702. DEFINITIONS. For purposes of this chapter:

- (1) "Department" means the department of health and welfare.
- (2) "Down syndrome" means a chromosomal condition associated with either an extra chromosome 21, in whole or in part, or an effective trisomy for chromosome 21. Trisomy 21 is the medical term for Down syndrome.
- (3) "Down syndrome organization" means any state or local nonprofit organization primarily involved in providing advocacy, support, and education to individuals with Down syndrome and their support community.
- (4) "Health care practitioner" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services consistent with state law. "Health care practitioner" includes a genetic counselor.
- (5) "Parent" means any person expecting a child who has received a test result from a prenatal screening or diagnostic test that indicates a high likelihood or the definite presence of Down syndrome, or the parent or legal guardian of a child diagnosed with Down syndrome.

39-9703. APPLICABILITY. A health care practitioner who provides prenatal or postnatal care and who administers or requests administration of a prenatal or postnatal screening or diagnostic test that detects Down syndrome or receives a result from such test that indicates a high likelihood or the definite presence of Down syndrome shall deliver to the parents the information support sheet provided by the department under section 39-9704, Idaho Code.

39-9704. SUPPORT SHEET. (1) The department shall create an up-to-date, evidence-based support sheet about Down syndrome that has been reviewed by medical experts and the Idaho Down syndrome council. The support sheet shall be provided at the time of diagnosis or when an ultrasound or test detects a high likelihood of Down syndrome. The support sheet shall be readily accessible and include the following:

- (a) A clinical course description of Down syndrome, including possible physical, developmental, educational, and psychosocial outcomes;
- (b) Options available for treatment and therapy for conditions related to Down syndrome;
- (c) Life expectancy for individuals with Down syndrome; and
- (d) Contact information for nonprofit Idaho Down syndrome organizations that provide information and support services for caregivers, including first-call programs and information hotlines specific to Down syndrome, resource centers, and other education and support programs for Down syndrome.

(2) The department shall post the information required in this section on its website and shall include an information support sheet, in a print-friendly format, to be delivered by health care practitioners to parents as prescribed in section 39-9703, Idaho Code.

(3) The department shall ensure that the information on the support sheet required in this section is culturally and linguistically appropriate for caregivers.

(4) A Down syndrome organization may request that the department include the organization's informational material and contact information on the department's website. The department may add the information to the website upon request.

(5) The department shall meet annually with representatives of the Idaho Down syndrome council to ensure the information in the support sheet that is made available by the department is current.

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, 2022.

Approved March 21, 2022

CHAPTER 81  
(H.B. No. 548)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-107, IDAHO CODE, TO PROVIDE THAT IF A PERSON CLAIMS A CERTAIN EXEMPTION FOR A HOMESTEAD, THEN THAT HOMESTEAD SHALL BE THE PERSON'S RESIDENCE FOR VOTING PURPOSES AND TO REVISE PROVISIONS REGARDING THE DETERMINATION OF A PERSON'S RESIDENCE FOR VOTING PURPOSES; AMENDING CHAPTER 2, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-219, IDAHO CODE, TO PROVIDE FOR AN INVESTIGATION INTO THE QUALIFICATIONS OF A CANDIDATE FOR OFFICE, TO PROVIDE FOR A DEADLINE, AND TO PROVIDE THAT THE STATE OR A POLITICAL SUBDIVISION SHALL PROVIDE CERTAIN INFORMATION UPON REQUEST OF THE SECRETARY OF STATE OR A COUNTY CLERK; AMENDING SECTION 34-701, IDAHO CODE, TO REQUIRE A SWORN VERIFICATION ON QUALIFICATIONS FOR OFFICE AND TO PROVIDE FOR A CERTAIN DISCLOSURE; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE FOR A CERTAIN DISCLOSURE TO A COUNTY CLERK AND THE SECRETARY OF STATE, TO PROVIDE FOR A CERTAIN DATABASE, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-107, Idaho Code, be, and the same is hereby amended to read as follows:

34-107. "RESIDENCE" DEFINED. (1) "Residence," for voting purposes, shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of absence.

(2) ~~In~~ If a person claims an exemption under section 63-602G, Idaho Code, then the homestead for which the exemption is claimed shall be the person's residence for voting purposes. If no such exemption is claimed, then in determining what is a the principal or primary place of abode of a person, the following circumstances relating to such person may be taken into account: business pursuits, employment, income sources, residence for income or other tax pursuits, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, ~~situs of residence for which the exemption in section 63-602G, Idaho Code, is filed,~~ and motor vehicle registration.

(3) A qualified elector who has left his home and gone into another state or territory or county of this state for a temporary purpose only shall not be considered to have lost his residence.

(4) A qualified elector shall not be considered to have gained a residence in any county or city of this state into which he comes for temporary purposes only, without the intention of making it his home but with the intention of leaving it when he has accomplished the purpose that brought him there.

(5) If a qualified elector moves to another state, or to any of the other territories, with the intention of making it his permanent home, he shall be considered to have lost his residence in this state.

SECTION 2. 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 34-219, Idaho Code, and to read as follows:

34-219. INVESTIGATION OF CANDIDATE QUALIFICATIONS. (1) Upon the request of a registered voter, the secretary of state or a county clerk shall investigate the legal qualifications of a candidate for office and shall exclude from the ballot a candidate who fails to satisfy the legal qualifications for the office being sought. A person excluded from the ballot pursuant to this subsection may challenge such exclusion in the district court in which the person's residence for voting purposes is located.

(2) The secretary of state or a county clerk may establish a deadline by which a request made pursuant to subsection (1) of this section must be filed, which deadline shall not be earlier than fourteen (14) days following the deadline to file a declaration of candidacy pursuant to section 34-704, Idaho Code.

(3) Upon the request of the secretary of state or a county clerk, the state or a political subdivision shall provide information within the state's or the political subdivision's possession that is needed to ascertain the legal qualifications of a candidate for office.

SECTION 3. That Section 34-701, Idaho Code, be, and the same is hereby amended to read as follows:

34-701. DECLARATIONS OF CANDIDACY AND PETITIONS -- FORM PRESCRIBED BY SECRETARY OF STATE -- FILING FEES. (1) The secretary of state shall prescribe the form for all declarations of candidacy and petitions required to be filed for any office. This form shall be uniform throughout the state; provided, however, that a candidate for judicial office must designate the particular office that he seeks, both in his petitions and declaration of candidacy.

(2) The form described in subsection (1) of this section shall include a sworn verification that the person satisfies the legal qualifications for the office being sought. Any person filing a form described in subsection (1) of this section shall disclose on such form whether the person has claimed an exemption under section 63-602G, Idaho Code, and the address of any homestead for which such exemption is claimed by the person and, if married, the person's spouse.

(3) All filing fees shall be paid in cash, cashier's check, postal money orders, or personal check.

SECTION 4. 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 (\$125,000) 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 shall disclose this information to the appropriate county assessor, board of county commissioners, county clerk, and county treasurer and to the secretary of state. Information disclosed to county officials and the secretary of state by the state tax commission under this subsection may:

(i) May be used to decide the validity of any entitlement to the exemption provided in this section and is;

(ii) Shall, as necessary, be used to determine a person's residence for voting purposes under title 34, Idaho Code; and

(iii) 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.

(10) By July 1, 2023, the state tax commission shall establish a database of all active exemptions claimed under this section, which database shall be searchable by a person's name and by the address of the homestead for which the exemption is claimed. The database shall be made accessible to officials listed in subsection (5) (b) of this section for the purpose of verifying that:

(a) Multiple active exemptions have not been claimed by the same person; and

(b) A person's residence for voting purposes is the same as the homestead for which such person has an active exemption pursuant to this section, if an exemption is so claimed.

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

Approved March 21, 2022

CHAPTER 82  
(H.B. No. 560)

AN ACT

RELATING TO THE PEACE OFFICER STANDARDS AND TRAINING COUNCIL; AMENDING SECTION 19-5109, IDAHO CODE, TO REVISE A PROVISION REGARDING POWERS OF THE COUNCIL AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 19-5109, Idaho Code, be, and the same is hereby amended to read as follows:

19-5109. POWERS OF THE COUNCIL -- STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF PEACE OFFICERS -- CERTIFICATION -- PENALTIES. (1) It shall be the duty of and the council shall have the power:

- (a) To establish the requirements of minimum basic training that peace officers shall complete in order to be eligible for permanent employment as peace officers, and the time within which such basic training must be completed. One (1) component of minimum basic training shall be a course in the investigation and collection of evidence in cases involving an allegation of sexual assault or battery;
- (b) To establish the requirements of minimum education and training standards for employment as a peace officer in probationary, temporary, part-time, and/or emergency positions;
- (c) To establish the length of time a peace officer may serve in a probationary, temporary, and/or emergency position;
- (d) To approve, deny approval or revoke the approval of any institution or school established by the state or any political subdivision or any other party for the training of peace officers;
- (e) To establish the minimum requirements of courses of study, attendance, equipment, and facilities of all approved schools, and the scholastic requirement, experience, and training of instructors at all approved schools;
- (f) To establish such other requirements for employment, retention and promotion of peace officers, including minimum age, physical and mental standards, citizenship, moral character, experience and such other matters as relate to the competence and reliability of peace officers;
- (g) To certify peace officers as having completed all requirements established by the council in order to be eligible for permanent employment as peace officers in this state;
- (h) To receive and file for record copies of merit regulations or local ordinances passed by any political subdivision;
- (i) To maintain permanent files and transcripts for all peace officers certified by the council to include any additional courses or advanced courses of instruction successfully completed by such peace officers while employed in this state and to include the law enforcement employment history by agency and dates of service of the officer. Such information shall be made available to any law enforcement agency upon request when a person applies for employment at the requesting law enforcement agency; and

(j) To allow a peace officer of a federally recognized Indian tribe within the boundaries of this state to attend the peace officer standards and training academy if said peace officer meets minimum physical and educational requirements of the academy. The Indian tribal law enforcement agency shall reimburse the peace officer standards and training academy for the officer's training. Upon satisfactory completion of the peace officer standards and training academy, the tribal peace officer shall receive a certificate of satisfactorily completing the academy.

(2) After January 1, 1974, any peace officer as defined in section 19-5101(d), Idaho Code, employed after January 1, 1974, except any elected official or deputy serving civil process, the deputy director of the Idaho state police, or any person serving under a temporary commission with any law enforcement agency in times of natural or man-caused disaster declared to be an emergency by the board of county commissioners or by the governor of the state of Idaho, or those peace officers whose primary duties involve motor vehicle parking and animal control pursuant to city or county ordinance, or any peace officer acting under a special deputy commission from the Idaho state police, shall be certified by the council within one (1) year of employment; provided, however, that the council may establish criteria different than that required of other peace officers for certification of city police chiefs or administrators within state agencies having law enforcement powers who, because of the number of full-time peace officers they supervise, have duties that are primarily administrative. Any such chief of police or state agency administrator employed in such capacity prior to July 1, 1987, shall be exempt from certification.

(3) The council is designated as a criminal justice agency as defined in section 67-3012(7)(A)(ii), Idaho Code, for the purposes of obtaining and retaining confidential criminal justice information by means of criminal justice services as defined in section 67-3012(8), Idaho Code. Such information shall be used to provide for the certification, suspension or revocation of certification of peace officers and public safety personnel subject to certification by the council. The council may not record or retain any confidential criminal justice information without complying with the provisions of chapter 30, title 67, Idaho Code.

(4) No peace officer shall have or exercise any power granted by any statute of this state to peace officers unless such person shall have been certified by the council within one (1) year of the date on which such person commenced employment as a peace officer, except in cases where the council, for good cause and in writing, has granted additional time to complete such training. The council shall decertify any officer who is convicted of any felony or offense that would be a felony if committed in this state. The council may decertify any officer who:

- (a) Is convicted of any misdemeanor;
- (b) Willfully or otherwise falsifies or omits any information to obtain any certified status; or
- (c) Violates any of the standards of conduct as established by the council's code of ethics, as adopted and amended by the council.

All proceedings taken by the council shall be conducted in accordance with chapter 52, title 67, Idaho Code.

(5) Any law enforcement agency as defined in section 19-5101(c), Idaho Code, in which any peace officer shall resign as a result of any disciplinary action or in which a peace officer's employment is terminated as a result of any disciplinary action shall, within fifteen (15) days of such action, make a report to the council.

(6) The council shall, pursuant to the requirements of this section, establish minimum basic training and certification standards for county detention officers that can be completed within one (1) year of employment as a county detention officer.

(7) The council may, upon recommendation of the juvenile training council and pursuant to the requirements of this section, implement minimum basic training and certification standards for juvenile detention officers, juvenile probation officers, and employees of the Idaho department of juvenile corrections who are engaged in the direct care and management of juveniles.

(8) The council may, upon recommendation of the correction standards and training council and pursuant to the requirements of this section, establish minimum basic training and certification standards for state correction officers and for adult probation and parole officers.

(9) The council may, upon recommendation ~~of a~~ from the misdemeanor probation training advisory committee council and pursuant to the requirements of this section, establish minimum basic training, continuing education, and certification standards for misdemeanor probation officers, whether those officers are employees of, or by private sector contract with, a county.

(10) The council may reject any applicant for certification who has been convicted of a misdemeanor, and the council shall reject an applicant for certification who has been convicted of a felony, the punishment for which could have been imprisonment in a federal or state penal institution.

(11) As used in this section, "convicted" means a plea or finding of guilt, notwithstanding the form of judgment or withheld judgment, regardless of whether the sentence is imposed, suspended, deferred or withheld, and regardless of whether the plea or conviction is set aside or withdrawn or the case is dismissed or reduced under section 19-2604, Idaho Code, or any other comparable statute or procedure where the setting aside of the plea or conviction, or dismissal or reduction of the case or charge, is based upon lenity or the furtherance of rehabilitation rather than upon any defect in the legality or factual basis of the plea, finding of guilt or conviction.

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, 2022.

Approved March 21, 2022

CHAPTER 83  
(H.B. No. 656)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1001, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-1004B, IDAHO CODE, TO PROVIDE FOR PLACEMENT OF CERTAIN STAFF ON THE CAREER LADDER; AMENDING SECTION 33-1201A, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN PROFESSIONAL ENDORSEMENTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1001, Idaho Code, be, and the same is hereby amended to read as follows:

33-1001. DEFINITIONS. As used in this chapter:

(1) "Administrative schools" means and applies to all elementary schools and kindergartens within a district that are situated ten (10) miles or less from both the other elementary schools and the principal administrative office of the district and all secondary schools within a district that are situated fifteen (15) miles or less from other secondary schools of the district.

(2) "Administrative staff" means those who hold an administrator certificate and are employed as a superintendent, an elementary or secondary school principal, or are assigned administrative duties over and above those commonly assigned to teachers.

(3) "At-risk student" means a student in grades 6 through 12 who:

(a) Meets at least three (3) of the following criteria:

(i) Has repeated at least one (1) grade;

(ii) Has absenteeism greater than ten percent (10%) during the preceding semester;

(iii) Has an overall grade point average less than 1.5 on a 4.0 scale prior to enrolling in an alternative secondary program;

(iv) Has failed one (1) or more academic subjects in the past year;

(v) Is below proficient, based on local criteria, standardized tests, or both;

(vi) Is two (2) or more credits per year behind the rate required to graduate or for grade promotion; or

(vii) Has attended three (3) or more schools within the previous two (2) years, not including dual enrollment; or

(b) Meets any of the following criteria:

(i) Has documented substance abuse or a pattern of substance abuse;

(ii) Is pregnant or a parent;

(iii) Is an emancipated youth or unaccompanied youth;

(iv) Is a previous dropout;

(v) Has a serious personal, emotional, or medical issue or issues;

(vi) Has a court or agency referral; or

(vii) Demonstrates behavior detrimental to the student's academic progress.

(4) "Average daily attendance" or "pupils in average daily attendance" means the aggregate number of days enrolled students are present, divided by the number of days of school in the reporting period; provided, however, that students for whom no Idaho school district is a home district shall not be considered in such computation.

(5) "Career ladder" means the compensation table used for determining the allocations districts receive for instructional staff and pupil service staff based on specific performance criteria and is made up of a residency compensation rung and a professional compensation rung.

(6) "Child with a disability" means a child evaluated as having an intellectual disability, a hearing loss including deafness, a speech or language impairment, a visual impairment including blindness, an emotional behavioral disorder, an orthopedic impairment, autism, a traumatic brain injury, another health impairment, a specific learning disability, deaf-blindness, or multiple disabilities and who, by reason thereof, needs special education and related services.

(7) "Compensation rung" means the rung on the career ladder that corresponds with the compensation level performance criteria.

(8) "Economically disadvantaged student" means a student who:

(a) Is eligible for a free or reduced-price lunch under the Richard B. Russell national school lunch act, 42 U.S.C. 1751 et seq., excluding students who are eligible only through a school's community eligibility program;

(b) Resides with a family receiving assistance under the program of block grants to states for temporary assistance for needy families (TANF) established under part A of title IV of the social security act, 42 U.S.C. 601 et seq.;

(c) Is eligible to receive medical assistance under the medicaid program under title XIX of the social security act, 42 U.S.C. 1396 et seq.; or

(d) Is considered homeless for purposes of the federal McKinney-Vento homeless assistance act, 42 U.S.C. 11301 et seq.

(9) "Elementary grades" or "elementary average daily attendance" means and applies to students enrolled in grades 1 through 6, inclusive, or any combination thereof.

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

(11) "Elementary/secondary schools" are schools that serve grades 1 through 12, inclusive, or any combination thereof.

(12) "English language learner" or "ELL" means a student who does not score proficient on the English language development assessment established by rule of the state board of education.

(13) "Gifted and talented" shall have the same meaning as provided in section 33-2001(4), Idaho Code.

(14) "Homebound student" means any student who would normally and regularly attend school but is confined to home or hospital because of an illness or accident for a period of ten (10) or more consecutive days.

(15) "Instructional staff" means those who hold an Idaho certificate issued under section 33-1201, Idaho Code, and who are either involved in the direct instruction of a student or group of students or who serve in a mentor or teacher leader position for individuals who hold an Idaho certificate issued under section 33-1201, Idaho Code.

(16) "Kindergarten" or "kindergarten average daily attendance" means and applies to all students enrolled in a school year, less than a school year, or summer kindergarten program.

(17) "Local salary schedule" means a compensation table adopted by a school district or public charter school, which table is used for determining moneys to be distributed for instructional staff and pupil service staff salaries. Minimum compensation provided under a local salary schedule shall be at least equal to the minimum amounts established pursuant to section 33-1004E, Idaho Code.

(18) "Measurable student achievement" means the measurement of student academic achievement or growth within a given interval of instruction for those students who have been enrolled in and attended eighty percent (80%) of the interval of instruction. Measures and targets shall be chosen at the school level in collaboration with the staff member impacted by the measures and applicable district staff and approved by the school board. Measures and targets must also align with the performance measures and benchmarks in the continuous improvement plan described in section 33-320, Idaho Code. The most effective measures and targets are those generated as close to the actual work as possible. Targets may be based on grade- or department-level achievement or growth goals that create collaboration within groups. Individual measurable student achievement targets and the percentage of students meeting individual targets must be reported annually to the state. Assessment tools that may be used for measuring student achievement and growth include:

- (a) Idaho standards achievement test (ISAT), including interim ISAT assessments;
- (b) Student learning objectives;
- (c) Teacher-constructed assessments of student growth;
- (d) Pre- and post-tests, including district-adopted tests;
- (e) Performance-based assessments;
- (f) Idaho reading indicator, which will be one (1) of the required assessment tools for applicable staff;
- (g) College entrance exams or preliminary college entrance exams such as PSAT, SAT, PACT, and ACT;
- (h) Advanced placement exams;
- (i) Career technical exams;
- (j) Number of business or industry certificates or credentials earned by students in an approved career technical education program;
- (k) Number of students completing career technical education capstone courses; and
- (l) Number of students enrolled in career technical education courses that are part of a program that culminates with business or industry certificates or credentials.

(19) "Performance criteria" means the standards specified for instructional staff and pupil service staff to demonstrate teaching proficiency for a given compensation rung. Each element of the professional compensation rung and advanced professional compensation rung performance criteria, as identified in this section and as applicable to a staff member's position, shall be documented, reported, and subject to review for determining movement on the career ladder.

- (20) (a) "Professional compensation rung performance criteria" means:
- (i) An overall rating of proficient or higher, and no components rated as unsatisfactory, on the state framework for teaching evaluation or equivalent for pupil service staff or principal or other school level administrator evaluation aligned to the state framework for teaching evaluation; and
  - (ii) Demonstrating the majority of students have met measurable student achievement targets or student success indicator targets.
- (b) "Advanced professional compensation rung performance criteria" means:
- (i) An overall rating of proficient or higher, no components rated as unsatisfactory or basic, and rated as distinguished overall in domain two -- classroom environment, or domain three -- instruction and use of assessment, on the state framework for teaching evaluation or equivalent for pupil service staff or principal or other school level administrator evaluation aligned to the state framework for teaching evaluation; and

(ii) Demonstrating seventy-five percent (75%) or more of their students have met their measurable student achievement targets or student success indicator targets.

(21) "Public school district" or "school district" or "district" means any public school district organized under the laws of this state, including specially chartered school districts.

(22) "Pupil service staff" means those who provide services to students, but are not involved in direct instruction of those students, and hold a pupil personnel services certificate.

(23) "School board" means a school district board of trustees or the board of directors of a public charter school.

(24) "Secondary grades" or "secondary average daily attendance" means and applies to students enrolled in grades 7 through 12, inclusive, or any combination thereof.

(25) "Secondary schools" are schools that serve grades 7 through 12, inclusive, or any combination thereof.

(26) "Separate elementary school" means an elementary school located more than ten (10) miles on an all-weather road from both the nearest elementary school and elementary/secondary school serving like grades within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

(27) "Separate kindergarten" means a kindergarten located more than ten (10) miles on an all-weather road from both the nearest kindergarten school within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

(28) "Separate secondary school" means any secondary school located more than fifteen (15) miles on an all-weather road from any other secondary school and elementary/secondary school serving like grades operated by the district.

(29) "Special education" means specially designed instruction or speech/language therapy at no cost to the parent to meet the unique needs of a student who is a child with a disability, including instruction in the classroom, the home, hospitals, institutions, and other settings; instruction in physical education; speech therapy and language therapy; transition services; travel training; assistive technology services; and vocational education.

(30) "Student learning plan" means a plan that outlines a student's program of study, which should include a rigorous academic core and a related sequence of electives in academics, career technical education, or humanities aligned with the student's post-graduation goals.

(31) "Student success indicators" means measurable indicators of student achievement or growth, other than academic, within a predefined interval of time for a specified group of students. Measures and targets shall be chosen at the district or school level in collaboration with the pupil service staff member impacted by the measures and applicable district staff. Individual measurable student achievement targets and the percentage of students meeting each target must be reported annually to the state. Student success indicators include:

(a) Quantifiable goals stated in a student's 504 plan or individualized education plan.

(b) Quantifiable goals stated in a student's behavior improvement plan.

(c) School- or district-identified measurable student objectives for a specified student group or population.



(d) The percentage of students who create student learning plans in grade 8 or who annually update their student learning plans thereafter.

(e) The percentage of students who satisfactorily complete one (1) or more advanced opportunities options as identified in section 33-4602, Idaho Code, or who earn business or industry certificates or credentials. This indicator shall be one (1) of the required indicators for applicable staff.

(32) "Support program" means the educational support program as described in section 33-1002, Idaho Code, the transportation support program described in section 33-1006, Idaho Code, and the exceptional education support program as described in section 33-1007, Idaho Code.

(33) "Support unit" means a function of average daily attendance used in the calculations to determine financial support provided to the public school districts.

(34) "Teacher" means any person employed in a teaching, instructional, supervisory, educational administrative or educational and scientific capacity in any school district. In case of doubt, the state board of education shall determine whether any person employed requires certification as a teacher.

SECTION 2. That Section 33-1004B, Idaho Code, 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 an Idaho 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 an Idaho certificate and are employed in an Idaho public school 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.

(7) Instructional staff or pupil service staff entering their first year on the career ladder, but with prior certificated instructional, pupil service, administrative, or equivalent elementary or secondary school experience, including in an accredited private or parochial school, shall be placed on the career ladder as follows:

(a) Instructional staff and pupil service staff who have been awarded a professional endorsement shall be placed as follows:

(i) Those with four (4) years of certificated experience and documentation from the hiring school district or charter school administrator, attesting the individual has provided evidence that the individual has met the professional compensation rung performance criteria in two (2) of the previous four (4) years, shall be placed in an equivalent cell on the career ladder to instructional staff or pupil service staff who have met the movement criteria for four (4) years; or

(ii) Those with five (5) or more years of certificated experience and documentation from the hiring school district or charter school administrator, attesting the individual has provided evidence that the individual has met the professional compensation rung performance criteria in three (3) of the previous five (5) years, with one (1) year being the fourth or fifth year, shall be placed in an equivalent cell on the career ladder to instructional staff or pupil service staff who have met the movement criteria for the equivalent number of years as they have verified experience.

(b) Instructional staff and pupil service staff who have been awarded an advanced professional endorsement with nine (9) or more years of certificated experience and documentation from the hiring school district or charter school administrator, attesting the individual has provided evidence that the individual has met the professional compensation rung performance criteria in three (3) of the previous five (5) years, with one (1) year being the fourth or fifth year, shall be placed in an equiv-

alent cell on the career ladder to instructional staff or pupil service staff who have met the movement criteria for the equivalent number of years as they have verified experience.

(8) 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.

(89) 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			

(ed) 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		

(fe) 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	

(gf) 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

(910) 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.

(101) 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.

(112) School districts shall submit annually to the state the data necessary to determine if an instructional staff or pupil service staff member has met the performance criteria for movement on the applicable compensation rung. Such data shall include the individuals' performance on each of the performance criteria as defined in section 33-1001, Idaho Code, including the percentage of students meeting their measurable student achievement and student success indicator targets. The department of education shall calculate whether or not instructional staff and pupil service staff have met the compensation rung performance criteria based on the data submitted during the previous five (5) years. Individually identifiable performance evaluation ratings submitted to the state remain part of the employee's personnel record and are exempt from public disclosure pursuant to section 74-106, Idaho Code.

SECTION 3. That Section 33-1201A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1201A. IDAHO PROFESSIONAL ENDORSEMENT -- ELIGIBILITY. (1) Any instructional staff employee or any pupil service staff employee will receive mentoring as outlined in such employee's individualized professional learning plan during the initial three (3) years of holding such certificate. Upon holding a certificate for three (3) years, any such instructional staff or pupil service staff employee may apply for an Idaho professional endorsement. Upon holding a professional endorsement for five (5) years or more, any such instructional staff or pupil service staff employee may apply for an Idaho advanced professional endorsement. Individuals who hold an instructional staff certificate and a pupil service staff certificate shall have their experience based on the overall years of experience if held consecutively or the certificate they have held the longest if dually certificated.

(2) To be eligible for an Idaho professional endorsement, the instructional staff or pupil service staff employee must:

- (a) Have held a certificate and been employed in a public school for at least three (3) years or have completed a state board of education-approved interim certificate of three (3) years or longer;
- (b) Show they met the professional compensation rung performance criteria for two (2) of the three (3) previous years or the third year;
- (c) Have a written recommendation from the employing school district; and
- (d) Have an annual individualized professional learning plan developed in conjunction with the employee's school district supervisor.

Instructional staff employees may provide additional evidence demonstrating effective teaching that may be considered in exceptional cases for purposes of determining proficiency and student achievement in the event required standards for professional endorsement are not met. Pupil service staff employees may provide additional evidence demonstrating effective student achievement or success that may be considered in exceptional cases for purposes of determining proficiency and student achievement or success in the event required standards for professional endorsement are not met.

(3) To be eligible for an Idaho advanced professional endorsement, the instructional staff or pupil service staff employee must:

- (a) Have held a renewable certificate and been employed in a public school for at least eight (8) years or more or have completed a state board of education-approved interim certificate of three (3) years or longer and held a renewable certificate and been employed in a public school for five (5) years or more;

- (b) Show they met the professional compensation rung performance criteria for four (4) of the five (5) previous years or the third, fourth, and fifth year;
- (c) During three (3) of the previous five (5) years, have served in an additional building or district leadership role in an Idaho public school, including but not limited to:
  - (i) Instructional specialist or instructional coach;
  - (ii) Mentor;
  - (iii) Curriculum or assessment committee member;
  - (iv) Team or committee leadership position;
  - (v) Data coach; or
  - (vi) Other leadership positions identified by the school district;
- (d) Have a written recommendation from the employing school district;
- (e) Have an annual individualized professional learning plan developed in conjunction with the employee's supervisor and a self-evaluation; and
- (f)
  - (i) Effective July 1, 2020, through June 30, 2021, show they have met the advanced professional compensation rung performance criteria for three (3) of the five (5) previous years or the fifth year;
  - (ii) Effective July 1, 2021, through June 30, 2022, show they have met the advanced professional compensation rung performance criteria for three (3) of the five (5) previous years or the fourth and fifth year; or
  - (iii) Effective July 1, 2022, show they have met the advanced professional compensation rung performance criteria for three (3) of the five (5) previous years.

Instructional staff employees may provide additional evidence demonstrating effective teaching that may be considered in exceptional cases for purposes of determining proficiency and student achievement in the event required standards for the advanced professional endorsement are not met. Pupil service staff employees may provide additional evidence demonstrating effective student achievement or success that may be considered in exceptional cases for purposes of determining proficiency and student achievement or success in the event required standards for the advanced professional endorsement are not met.

(4) Instructional staff and pupil service staff who have been certified in another state and ~~have not previously held certification in the state of Idaho~~ shall be eligible for the professional endorsement if they:

- (a) Have a written recommendation from the employing school district;
- (b) Have worked in a certificated position in a compact-member state other than Idaho pursuant to section 33-4104, Idaho Code; and
- (c) Would have been eligible to work in a certificated position in an Idaho public school based on that certification for three (3) to eight (8) years.

(5) Instructional staff and pupil service staff who have been certified in another state and ~~have not previously held certification in the state of Idaho~~ shall be eligible for the advanced professional endorsement if they:

- (a) Have a written recommendation from the employing school district;
- (b) Have worked in a certificated position in a compact-member state other than Idaho pursuant to section 33-4104, Idaho Code; and
- (c) Would have been eligible to work in a certificated position in an Idaho public school based on that certification for nine (9) years or more.

(6) Instructional staff and pupil service staff who have worked in an accredited private school and maintained their instructional or pupil service staff certification may use their years of private school work experience to meet the years of experience requirements for the professional and advanced professional endorsement. Such staff may provide additional evidence demonstrating effective teaching that may be considered in exceptional cases for purposes of determining proficiency and student achievement requirements for professional and advanced professional eligibility criteria.

(7) Individuals holding a professional endorsement or an advanced professional endorsement will be annually evaluated in at least two (2) domains in the state evaluation framework approved by the state board of education. All other instructional or pupil service staff employees must be evaluated across all domains in the evaluation framework. Ratings in ~~domain 2 or domain 3~~ the domains described in section 33-1001(20) (b), Idaho Code, are required as part of the advanced professional compensation rung performance criteria.

(78) The state board of education shall promulgate rules implementing the provisions of this section.

(89) For the purposes of this section:

(a) "Certificate" means an Idaho instructional certificate, pupil service staff certificate, or out-of-state educator certificate that meets the requirements for reciprocity under rules promulgated by the state board of education;

(b) In conjunction with the Idaho evaluation framework, "individualized professional learning plan" means an individualized professional development plan based on the Idaho framework for teaching evaluation and includes, at a minimum, identified interventions based on the individual's strengths and areas of needed growth, how the individual will set student achievement and growth goals, and areas of identified professional development and mentoring that target continuous improvement in professional areas, future student achievement, and school building or district culture;

(c) "Instructional staff" means those involved in the direct instruction of a student or group of students and who hold a certificate issued under section 33-1201, Idaho Code;

(d) "Pupil service staff" means those who provide services to students but are not involved in direct instruction of those students and who hold a certificate issued under section 33-1201, Idaho Code; and

(e) "School district" means a school district or a public charter school.

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, 2022.

Approved March 21, 2022

CHAPTER 84  
(H.B. No. 561)

AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING SECTION 56-1018B, IDAHO CODE, TO REVISE PROVISIONS REGARDING USE OF MONEYS IN THE EMERGENCY MEDICAL SERVICES FUND III; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 56-1018B, Idaho Code, be, and the same is hereby amended to read as follows:

56-1018B. EMERGENCY MEDICAL SERVICES FUND III. (1) There is hereby created in the dedicated fund of the state treasury a fund known as the emergency medical services fund III. Subject to appropriation by the legislature, moneys in the fund shall be used ~~exclusively for the purpose of acquiring vehicles and equipment for use by emergency medical services personnel in the performance of their duties, which include highway safety and emergency response to motor vehicle accidents, training, licensing expenses, communication technology, dispatch services, and costs, not to include personnel salaries, associated with assuring the performance of planned coverage and emergency response, including highway safety and emergency response to motor vehicle accidents.~~

(2) The bureau of emergency medical services of the department of health and welfare shall be responsible for distributing moneys from the fund to qualifying nonprofit and governmental entities that submit an application for a grant from the fund. The bureau shall approve grants based on the following criteria:

- (a) The requesting entity is a nonprofit or governmental entity that holds a current license as an ambulance or nontransport service issued by the state of Idaho;
- (b) The requesting entity has demonstrated need based on criteria established by the bureau;
- (c) The requesting entity has provided verification that it has received the approval and endorsement of a fire district or city or county within its service area;
- (d) The requesting entity has certified that the title to any vehicle purchased with funds from the fund shall be in the name of the fire district or city or county that endorsed the application and shall submit proof of titling as soon as practicable;
- (e) The state of Idaho shall retain a security interest in the vehicle to secure the performance of the grant recipient to utilize the vehicle consistent with the intent described in the application.

(3) Notwithstanding the requirements of subsection (2) (c) and (d) of this section, the bureau of emergency medical services is authorized to approve and issue a grant to an applicant in the absence of an endorsement if the endorsement is withheld without adequate justification.

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

Approved March 21, 2022



CHAPTER 85  
(S.B. No. 1288)

AN ACT

RELATING TO DISTRICT JUDGES; AMENDING SECTION 1-702, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE APPOINTED TERM OF CERTAIN DISTRICT JUDGES; AND DECLARING AN EMERGENCY.

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

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

1-702. DISTRICT JUDGES -- ELECTION AND TERM -- NEW DISTRICT JUDGESHIP AND APPOINTMENT TO FILL VACANCY. The district court is presided over by district judges chosen by the qualified electors of their respective districts for a term of four (4) years, except that upon the creation of a new district judgeship in any district or upon the appointment by the governor to fill a vacancy in a district judgeship in any district, such judge shall be appointed to hold office until the first Monday in January following the next ~~general~~ judicial nominating election for district judges occurring at least one (1) year following the date of the judge's appointment and until his successor is elected and qualified.

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

Approved March 21, 2022

CHAPTER 86  
(H.B. No. 711)

AN ACT

RELATING TO THE APPROPRIATION TO IDAHO PUBLIC TELEVISION FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO IDAHO PUBLIC TELEVISION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR A CONTINUOUS APPROPRIATION; 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 Idaho Public Television the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2022, through June 30, 2023:

FOR:

Personnel Costs	\$1,712,500
Operating Expenditures	763,000
Capital Outlay	<u>341,900</u>
TOTAL	\$2,817,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, Idaho Public Television is authorized no more than fourteen (14.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. Idaho Public Television is hereby granted continuous appropriation authority for its Miscellaneous Revenue Fund for the period July 1, 2022, through June 30, 2023, for the purpose of content production and related services from revenue sources provided by private donations.

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, 2022.

Approved March 21, 2022

CHAPTER 87  
(S.B. No. 1319)

AN ACT

RELATING TO TRANSPORTATION OF PUPILS; AMENDING SECTION 33-1510, IDAHO CODE, TO PROVIDE AN EXCEPTION REGARDING CONTRACTS THAT RECEIVE CERTAIN FEDERAL FUNDING; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1510, Idaho Code, be, and the same is hereby amended to read as follows:

33-1510. CONTRACTS FOR TRANSPORTATION SERVICE. (1) All contracts entered into by boards of trustees for the transportation of pupils shall be in writing using the current pupil transportation model contract developed by the state department of education. School districts may attach to the model contract addenda to meet local requirements. School districts shall submit to the state superintendent of public instruction a copy of the pupil transportation contract prior to both parties signing it, for a review of legal requirements and appropriate costs and for final approval. The state superintendent of public instruction shall respond to the school district within twenty-one (21) calendar days of the postmarked receipt of the contract by notifying the school district of contract approval or of recommended or required changes. A school district may appeal to the state board of education any changes the state superintendent requires, in which case the state board may, upon review, approve the contract without such changes.

(2) No contract shall be executed covering a period of time exceeding five (5) years. School districts shall advertise, bid and contract for all bus transportation service routes at a single time, and contract with the lowest responsible bidder or bidders meeting the specifications; provided that, one (1) time only, a school district may renew a contract with the current contractor if the board of trustees, after renegotiation with the contractor, determines that the terms are satisfactory to the district. The board of trustees may renew the contract for a term not to exceed five (5) years. Renewal of any contract pursuant to this section shall not be granted unless the provisions of this section were included, in a substantially conforming summary, within the bidding notice, published pursuant to section 33-601, Idaho Code, of the contract.

(3) Before entering into such contracts, the board of trustees shall invite bids by twice giving notice as provided in section 33-402(2), Idaho Code, and shall award the contract to the lowest responsible bidder.

(4) Notwithstanding the provisions of subsection (2) of this section and any provision of law or rule to the contrary, contracts that receive federal funding pursuant to the federal clean school bus program, 42 U.S.C. 16091, may exceed five (5) years but may not exceed ten (10) years.

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

Approved March 21, 2022

CHAPTER 88  
(S.B. No. 1334)

AN ACT

RELATING TO THE IDAHO CORRECTIONAL INDUSTRIES ACT; AMENDING SECTION 20-402, IDAHO CODE, TO DEFINE A TERM AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-413A, IDAHO CODE, TO AUTHORIZE TRAINING PROGRAMS WITH CERTAIN PRIVATE EMPLOYERS, TO REVISE A PROVISION REGARDING RULES, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 20-402, Idaho Code, be, and the same is hereby amended to read as follows:

20-402. DEFINITIONS. As used in this chapter:

(1) "Agricultural employer" is as defined in section 44-1601, Idaho Code.

(2) "Agricultural products" is as defined in section 22-2602, Idaho Code.

(3) "Board" means the state board of correction.

(4) "Correctional institution products" means all services and labor provided, goods, wares, and merchandise manufactured or produced wholly or in part, except "hobby-craft" articles, by trainees in the Idaho correctional industries training program.

(5) "Enterprise" means an operation, including services and labor, or a group of closely related operations.

(6) "Telecommunications service" means work, labor, or any other act or practice provided or performed by a trainee by means of a telephone or similar technology to or on behalf of a consumer or private employer.

(7) "Trainee" means an inmate enrolled in an Idaho correctional industries training program.

SECTION 2. That Section 20-413A, Idaho Code, be, and the same is hereby amended to read as follows:

20-413A. ~~CONTRACTS FOR AGRICULTURAL TRAINING PROGRAMS WITH CERTAIN PRIVATE EMPLOYERS.~~ (1) The board may establish training programs with certain private employers as authorized in this section. Authorized training programs shall include:

(a) Contracts with private agricultural employers for the use of trainees in the production, harvesting, and processing of agricultural products; and

(b) Contracts with private employers for the use of trainees to provide telecommunication services at a call or contact center established at a facility controlled by the board or at a private employer's place of business.

(2) The use of trainees may not result in the displacement of employed workers within the local region in which the training program is operated.

(23) The board shall establish by rule factors to be considered by the board prior to entering into such contract, including but not limited to, ensuring that employed workers are not displaced, inmate safety, compliance with industry regulations, and any security risks and needs. All moneys derived from such contracts shall be deposited into the correctional industries betterment account established in section 20-415, Idaho Code.

(34) Trainees shall receive a stipend for their participation pursuant to section 20-412, Idaho Code. The board shall establish by rule factors to be considered in dispersing trainee earnings. Deductions shall be made for:

- (a) Reducing or offsetting costs of incarceration from the general fund;
- (b) Satisfying court-ordered restitution, fines and other legal judgments;
- (c) Providing resources for successful reentry by inmates;
- (d) Reentry savings; and
- (e) Any other deduction otherwise authorized by law or adopted by rule of the board.

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, 2022.

Approved March 21, 2022

CHAPTER 89  
(H.B. No. 530)

AN ACT

RELATING TO THE IDAHO HOP GROWER'S COMMISSION; AMENDING CHAPTER 31, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-3105A, IDAHO CODE, TO AUTHORIZE THE IDAHO HOP GROWER'S COMMISSION TO PROMOTE BEER MADE WITH IDAHO-GROWN HOPS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 31, Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 22-3105A, Idaho Code, and to read as follows:

22-3105A. PROMOTION OF BEER MADE WITH IDAHO-GROWN HOPS. (1) In addition to the powers and duties set forth in section 22-3105, Idaho Code, the commission shall have but is not limited to the following powers to promote beer made with Idaho-grown hops:

- (a) To host, sponsor, or participate in activities and events dispensing or serving beer made with Idaho-grown hops to retailers, distributors, importers, evaluators, judges, and members of the public. The commission may charge an admission charge to an activity or event;
- (b) To host, sponsor, or participate in activities and events promoting new markets for beer made with Idaho-grown hops, publicizing reliable information showing the value of beer made with Idaho-grown hops, or promoting research or education benefiting beer made with Idaho-grown hops by Idaho producers and growers. The commission may charge an admission charge to an activity or event;
- (c) To solicit and receive donations of beer made with Idaho-grown hops for the purpose of promoting beer made with Idaho-grown hops;
- (d) To purchase beer made with Idaho-grown hops for the purpose of promoting beer made with Idaho-grown hops;
- (e) To donate beer made with Idaho-grown hops to activities, events, trade groups, and other individuals and entities for the purpose of promoting beer made with Idaho-grown hops; and

(f) To donate beer made with Idaho-grown hops to persons or associations for benevolent, charitable, or public purposes, subject to the provisions of section 23-1007A, Idaho Code.

(2) Notwithstanding any other provision of law, including but not limited to chapter 10, title 23, Idaho Code, the following shall apply to the commission's activities under this section:

(a) The commission and the property owner, lessee, and operator shall not be required to hold or obtain any license, permit, or registration or to provide any notification to a public official to enable the commission, commission members, volunteers authorized by the commission, and commission employees to engage in the activities authorized by this section.

(b) The activities of the commission, commission members, volunteers authorized by the commission, and commission employees authorized by this section include but are not limited to dispensing or serving samples of beer on premises not licensed for the sale of beer by the drink.

(3) In the performance of activities authorized by this section, the commission shall observe the following limitations:

(a) The commission shall not receive any payment for the beer made with Idaho-grown hops it serves, dispenses, or donates under this section. The receipt of an admission charge to an activity or event is not the receipt of payment by the commission for beer made with Idaho-grown hops for the purposes of this section.

(b) Individuals not serving as commission members or acting as volunteers authorized by the commission or who are not commission employees are not authorized by this section to serve or dispense beer made with Idaho-grown hops. Nothing in this section shall prohibit an individual who is otherwise authorized by law to serve or dispense beer made with Idaho-grown hops from serving or dispensing such beer made with Idaho-grown hops.

(c) Where the commission dispenses or serves beer, the persons dispensing or serving beer and the recipients of the beer dispensed or served must be of legal drinking age.

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, 2022.

Approved March 21, 2022

CHAPTER 90  
(H.B. No. 467)

AN ACT

RELATING TO WATER; AMENDING SECTION 42-1756, IDAHO CODE, TO REVISE PROVISIONS REGARDING LOANS FROM THE REVOLVING ACCOUNT AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 42-1756, Idaho Code, be, and the same is hereby amended to read as follows:

42-1756. LOANS FROM ACCOUNT -- APPLICATION -- INVESTIGATION -- APPROVAL -- REPAYMENT -- STATEMENT -- FILING -- DEFAULT. (1) Any irrigation district, canal or irrigation company, water users' association, municipal corporation, municipality, private corporation, aquifer protection district, or, in special cases approved by the board, an individual may file an application with the board for a loan from the revolving account for the purpose of financing project costs. Such application shall be filed in such manner, and shall be in such form and be accompanied by such information as may be prescribed by the board; provided, however, that any such application filed with the board under the provisions of this act, shall:

(a) Describe the nature and purpose(s) of the proposed project.

(b) Set forth or be accompanied by a plan for development of the proposed project, together with such engineering and economic feasibility data and estimated costs of construction as may be required by the board.

(c) State whether money other than that for which application is made to the board will be used for project costs, and whether such money is available or has been sought for this purpose.

(d) Show that the applicant holds or can acquire title to all lands or has the necessary easements and rights-of-way for the project and related lands, and has or can acquire all water rights necessary for the construction, operation and maintenance of the proposed project, or that there exists sufficient water available for appropriation by proof of a permit issued by the director of the department of water resources.

(2) Upon receipt of an application, the board shall evaluate and, if it deems it to be necessary, investigate all aspects of the proposed project and the proposed construction thereof. As a part of such investigation, the board shall determine whether the plan for development of the project is satisfactory. If the board determines that the plan is unsatisfactory, it shall return the application to the applicant and may make such recommendations to the applicant as are considered necessary to make the plan satisfactory.

(3) The board may approve a loan for project costs if after investigation (if ~~this is~~ deemed necessary,) and evaluation it finds that:

(a) The plan does not conflict with any extant Idaho state water plan;

(b) The proposed project is feasible from an engineering standpoint and economically justified, with studies showing a favorable benefit to cost ratio;

(c) The plan for development of the proposed project is satisfactory;

(d) The applicant is qualified and responsible;

(e) There is reasonable assurance that the borrower can repay the loan; and

(f) ~~That~~ The money in the revolving account is available for the loan.

(4) If the board approves a loan, the board and the applicant or applicants shall enter into an agreement for repayment to the revolving account of money loaned therefrom, together with interest thereon at reasonable rates as determined by the board. The agreement shall further provide that repayment of the loan, together with interest thereon, shall commence no later than one (1) full year after construction of the project is completed, and that repayment shall be completed within the time period specified by the board; provided that repayment to reserve accounts or guarantee funds shall be made as provided by order of the board. The repayment period shall not exceed sixty (60) years, except that the board may extend the time for making repayment in the event of emergency or hardship. Such agreement shall also provide for such assurances of, and security for, repayment of the loan as are considered necessary by the board.

(5) ~~The state shall have a lien upon a project constructed with money from the revolving account for the amount of the loan, together with the interest thereon. This lien shall attach to all project facilities, equipment, easements, real property and property of any kind or nature associated with the project and all water rights associated in any way with the project.~~ The board shall have security for a loan from the revolving account that is appropriate to the loan and the borrower. As security for the loan, the board may hold a lien against real property, including water rights, from the borrower and may file a statement of the loan, its amount, terms, and a description of the project security with the county recorder of each county in which the project or any part thereof is located. The county recorder shall record the lien in a book kept for the recording of liens and it shall be indexed as other liens are required by law to be indexed. The lien shall be valid until paid in full or otherwise discharged. The lien shall be foreclosed in accordance with applicable state law governing foreclosure of mortgages and liens as set forth in chapter 1 of, title 6, Idaho Code, chapter 13 of, title 45, Idaho Code, and related provisions of the statutes of this state.

(6) If an applicant fails to comply with the repayment contract, its interest in the project may be conveyed to a successor upon approval by the board, which may contract with the qualified successor in interest of the original obligor for repayment of the loan, together with the interest thereon, and for succession to its rights and obligations in any contract with the board.

(7) The state shall have a lien on any or all projects which the board improves or renovates with money from the revolving account, and such lien shall be valid and continue in effect until such funds, together with interest thereon, have been paid in full and the lien discharged. The board shall file a statement of the lien, and the lien shall be foreclosed upon all project property and rights as provided in subsection (5) of this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 21, 2022



CHAPTER 91  
(S.B. No. 1370)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING CONTINUOUS APPROPRIATION AUTHORITY; 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 Idaho State Lottery the following amounts to be expended according to the designated expense classes from the State Lottery Fund for the period July 1, 2022, through June 30, 2023:

FOR:

Personnel Costs	\$4,267,300
Operating Expenditures	2,752,500
Capital Outlay	<u>89,100</u>
TOTAL	\$7,108,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Lottery is authorized no more than fifty (50.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. Amounts necessary to pay prizes, retailer commissions, advertising and promotional costs, and gaming supplier vendor fees based on sales shall be continuously appropriated to the Idaho State Lottery in accordance with the provisions of Section 67-7428, Idaho Code.

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, 2022.

Approved March 21, 2022

CHAPTER 92  
(H.B. No. 564)

AN ACT

RELATING TO HOMESTEAD TAX EXEMPTIONS; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE FOR AN INVESTIGATION BY A COUNTY ASSESSOR, TO PROVIDE FOR A DISCLOSURE OF INFORMATION BY THE STATE TAX COMMISSION, TO PROVIDE FOR AN APPEAL, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-602G, Idaho Code, be, and the same is hereby amended to read as follows:

63-602G. PROPERTY EXEMPT FROM TAXATION -- HOMESTEAD. (1) For each tax year, the first one hundred twenty-five thousand dollars (\$125,000) 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) (i) Prior to granting an exemption, the county assessor shall investigate whether an applicant for the exemption has claimed the exemption for another homestead and shall not grant the exemption where it appears the exemption has been improperly claimed. The applicant shall be notified of the county assessor's refusal to grant the exemption.

(ii) 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) Upon request by a county assessor conducting an investigation under paragraph (a) of this subsection, or 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 shall disclose this relevant 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) (i) An applicant for an exemption under this section may appeal to the county board of equalization the county assessor's refusal to grant an exemption pursuant to paragraph (a) of this subsection within thirty (30) days of the date the county assessor sent notice of the refusal.

(ii) 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. 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, 2022.

Approved March 21, 2022

CHAPTER 93  
(S.B. No. 1327)

AN ACT

RELATING TO HOSPITALIZATION OF MENTALLY ILL INDIVIDUALS; AMENDING SECTION 66-317, IDAHO CODE, TO DEFINE TERMS, TO REVISE DEFINITIONS, AND TO REMOVE A DEFINITION; AMENDING SECTION 66-318, IDAHO CODE, TO REVISE PROVISIONS REGARDING AUTHORITY TO ADMIT VOLUNTARY PATIENTS; AMENDING SECTION 66-319, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 66-320, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 66-322, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN JUDICIAL PROCEDURES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 66-324, IDAHO CODE, TO REMOVE CODE REFERENCES; AMENDING SECTION 66-326, IDAHO CODE, TO REVISE PROVISIONS REGARDING DETENTIONS WITHOUT HEARING; REPEALING SECTION 66-327, IDAHO CODE, RELATING TO THE RESPONSIBILITY FOR COSTS OF COMMITMENT AND CARE OF PATIENTS; AMENDING CHAPTER 3, TITLE 66, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 66-327, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE RESPONSIBILITY FOR COSTS OF COMMITMENT AND CARE OF PATIENTS; AMENDING SECTION 66-329, IDAHO CODE, TO REVISE PROVISIONS REGARDING COMMITMENT ORDERS; AMENDING SECTION 66-330, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE SHALL DELIVER CERTAIN PATIENTS TO A DESIGNATED FACILITY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 66-337, IDAHO CODE, TO REVISE PROVISIONS REGARDING TERMINATION OF THE COMMITMENT OF AN INVOLUNTARY PATIENT; AMENDING SECTION 66-354, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIABILITY OF RELATIVES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 66-317, Idaho Code, be, and the same is hereby amended to read as follows:

66-317. DEFINITIONS. As used in this chapter, ~~terms shall have the following meanings:~~

(1) "Department director" means the director of the state department of health and welfare.

(2) "Voluntary patient" means an individual admitted to a facility for evaluation pursuant to section 18-211 ~~or 20-520~~, Idaho Code, or admitted to a facility for observation, diagnosis, evaluation, care, or treatment pursuant to section 66-318, Idaho Code.

(3) "Involuntary patient" means an individual committed pursuant to section 18-212, 66-329, or 66-1201, Idaho Code, ~~or committed pursuant to section 16-1619 or 20-520, Idaho Code, and admitted to a facility for the treatment of minors.~~

(4) ~~"Licensed physician" means an individual licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of his official duties.~~

~~(5)~~ "Designated examiner" means a psychiatrist, psychologist, psychiatric nurse, or social worker and such other mental health professionals as may be designated in accordance with rules promulgated pursuant to the provisions of chapter 52, title 67, Idaho Code, by the department of health and welfare. Any person designated by the department director or the department director's designee will be specially qualified by licensure, training, and experience in the diagnosis and treatment of mental or mentally related illnesses or conditions.

(65) "Dispositioner" means a designated examiner employed by or under contract with the department of health and welfare and designated by the department director to determine the appropriate location for care and treatment of involuntary patients.

(76) "Facility" means any public or private hospital, ~~sanatorium~~, state hospital, institution, mental health center, or other organization designated in accordance with rules adopted by the board of health and welfare as equipped to initially hold, evaluate, rehabilitate, or ~~to~~ provide care or treatment, or both, for the mentally ill.

(87) "Lacks capacity to make informed decisions about treatment" means the inability, by reason of mental illness, to achieve a rudimentary understanding after conscientious efforts at explanation of the purpose, nature, and possible significant risks and benefits of treatment.

(98) "Inpatient treatment facility" means a facility in which an individual receives medical and mental treatment for not less than a continuous twenty-four (24) hour period.

~~(109)~~ "Supervised residential facility" means a facility, other than the individual's home, in which the individual lives and in which there lives live, or are otherwise on duty during the times that the individual's presence is expected, persons who are employed to supervise, direct, treat, or monitor the individual.

(110) "Likely to injure himself or others" means ~~either~~:

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

(b) A substantial risk that physical harm will be inflicted by the proposed patient upon another as evidenced by behavior which that has caused such harm or which that places another person or persons in reasonable fear of sustaining such harm; or

(c) The proposed patient lacks insight into his need for treatment and is unable or unwilling to comply with treatment and, based on his psychiatric history, clinical observation or other clinical evidence, if he does not receive and comply with treatment, there is a substantial risk he will continue to physically, emotionally or mentally deteriorate to the point that ~~the person he will~~, in the reasonably near future, inflict physical harm on himself or another person.

(121) "Mentally ill" means a person, ~~who as a result of condition resulting in~~ a substantial disorder of thought, mood, perception, ~~or orientation, or memory, which that~~ grossly impairs judgment, behavior, ~~or capacity~~ to recognize and adapt to reality, ~~and~~ requires care and treatment at a facility or through outpatient treatment. ~~However, the term "mentally ill" does not include conditions discussed in section 66-329(13) (a), Idaho Code.~~

(132) "Gravely disabled" means ~~the condition of~~ a person who, as the result of mental illness, ~~is has demonstrated an inability to:~~

(a) ~~In danger of serious physical harm due to the person's inability to provide for any of his own basic personal needs, such as nourishment, or essential clothing, medical care, shelter or safety; or~~ Attend to basic physical needs, such as medical care, food, clothing, shelter, or safety;

(b) ~~Lacking insight into his need for treatment and is unable or unwilling to comply with treatment and, based on his psychiatric history, clinical observation or other clinical evidence, if he does not receive and comply with treatment, there is a substantial risk he will continue to physically, emotionally or mentally deteriorate to the point that the person will, in the reasonably near future, be in danger of serious physical harm due to the person's inability to provide for any of his own basic personal needs such as nourishment, essential clothing, medical care, shelter or safety. Protect himself from harm or victimization by others;~~

(c) ~~Exercise sufficient behavioral control to avoid serious criminal justice involvement; or~~

(d) ~~Recognize that he is experiencing symptoms of a serious mental illness and lacks the insight into his need for treatment, whereby the subsequent absence of treatment may result in deterioration of his condition such that any of the circumstances listed in this subsection may be satisfied in the near future.~~

(13) "Neurocognitive disorder" means decreased mental function due to a medical disease other than a psychiatric illness, including:

(a) Alzheimer's disease;

(b) Frontotemporal lobar degeneration;

(c) Lewy body dementia;

(d) Vascular dementia;

(e) Traumatic brain injury;

(f) Inappropriate use or abuse of substances or medications;

(g) Infection with human immunodeficiency virus;

(h) Prion diseases;

(i) Parkinson's disease; or

(j) Huntington's disease.

(14) "Outpatient treatment" means mental health treatment, not involving the continuous supervision of a person in an inpatient setting, that is reasonably designed to alleviate or to reduce a person's mental illness or to maintain or prevent deterioration of the person's physical, mental, or emotional functioning. Mental health services or treatment may include, but need not be limited to, taking prescribed medication, reporting to a facility to permit monitoring of the person's condition, or participating in individual or group therapy.

(15) "Protection and advocacy system" means the agency designated by the governor as the state protection and advocacy system pursuant to 42 U.S.C. section 15043 and 42 U.S.C. sections 10801 et seq.

(16) "Holding proceedings in abeyance" means an alternative to judicial commitment based upon ~~on~~ an agreement entered into by all parties, including the proposed patient, and agreed to by the court, providing for voluntary conditions of treatment, which holds in a state of suspension or inactivity the petition for involuntary commitment.

(17) "Senior designated examiner" means a licensed psychiatrist, licensed psychologist, licensed physician, or any of the following who has three (3) years of experience as a designated examiner and five (5) years of post-master's degree experience in a mental health field and who has been approved by the department director or the department director's designee to act as a senior designated examiner:

- (a) A licensed clinical social worker;
- (b) A licensed clinical professional counselor; or
- (c) A licensed marriage and family therapist.

SECTION 2. That Section 66-318, Idaho Code, be, and the same is hereby amended to read as follows:

66-318. AUTHORITY TO ADMIT VOLUNTARY PATIENTS -- DENIAL OF ADMISSION. (1) The director of any facility or a practitioner granted admitting privileges pursuant to chapter 13, title 39, Idaho Code, may admit as a voluntary patient the following persons for observation, diagnosis, evaluation, care or treatment of mental illness:

- (a) Any person who is eighteen (18) years of age or older;
- (b) Any individual fourteen (14) to eighteen (18) years of age who may apply to be admitted for observation, diagnosis, evaluation, care or treatment and the facility director will notify the parent, parents or guardian of the individual of the admission; a parent or guardian may apply for the individual's release and the facility director will release the patient within three (3) days, excluding Saturdays, Sundays and legal holidays, of the application for discharge, unless the time period for diagnosis, evaluation, care or treatment is extended pursuant to section 66-320, Idaho Code;
- (c) Any emancipated minor;
- (d) Any individual under fourteen (14) years of age upon application of the individual's parent or guardian, ~~provided that admission to an inpatient facility shall require a recommendation for admission by a designated examiner;~~
- (e) Any individual who lacks capacity to make informed decisions about treatment upon application of the individual's guardian, ~~provided that admission to an inpatient facility shall require a recommendation for admission by a designated examiner;~~ or
- (f) Any individual confined for examination pursuant to section 18-211 ~~or 20-520~~, Idaho Code.

(2) The director of any facility or a practitioner granted admitting privileges pursuant to chapter 13, title 39, Idaho Code, must refuse admission to any applicant under this section whenever:

- (a) The applicant is determined not to be in need of observation, diagnosis, evaluation, care or treatment at the facility;
- (b) The applicant is determined to lack capacity to make informed decisions about treatment unless the application is made by a guardian with authority to consent to treatment; or
- (c) The applicant's welfare or the welfare of society, or both, are better protected by the provisions of section 66-329, Idaho Code.

SECTION 3. That Section 66-319, Idaho Code, be, and the same is hereby amended to read as follows:



66-319. RELEASE OF VOLUNTARY INPATIENTS. The director of an inpatient facility shall release any person, admitted in accordance with the procedure outlined in section 66-318, Idaho Code, whose continued care or treatment is no longer appropriate. If upon evaluation at the facility, it is determined that the patient is mentally ill and is likely to injure himself or others or is gravely disabled, the director of the facility shall institute appropriate judicial proceedings for continued care and treatment. In the case of persons confined pursuant to section ~~20-520~~ or 18-211, Idaho Code, upon completion of the examination, the sheriff of the county from which the defendant was committed shall be notified and the defendant shall continue to be confined at the facility for transportation back to the county. In those cases of persons admitted upon the application of a guardian, those persons shall be released upon the termination of the guardian's authority to consent to treatment.

SECTION 4. That Section 66-320, Idaho Code, be, and the same is hereby amended to read as follows:

66-320. RIGHT TO RELEASE ON APPLICATION -- EXCEPTIONS. (a~~1~~) A voluntary patient admitted in accordance with the procedure outlined in section 66-318, Idaho Code, who requests his release or whose release is requested, in writing, by his legal guardian, parent, spouse, or adult next of kin shall be released except that:

(1a) ~~i~~If the patient was admitted on his own application and the request for release is made by a person other than the patient, release may be conditioned upon the agreement of the patient thereto, and;

(2b) ~~i~~If the patient, by reason of his age, was admitted on the application of another person, his release prior to becoming sixteen (16) years of age may be conditioned upon the consent of his parent or guardian; or

(3c) ~~i~~If the director of the facility determines that the patient should be hospitalized under the provisions of this chapter, the patient may be detained up to three (3) days, excluding Saturdays, Sundays and legal holidays, for the purpose of examination by a designated examiner and the filing of an application for continued care and treatment.

(b~~2~~) Notwithstanding any other provision of this chapter, judicial proceedings authorized by this chapter shall not be commenced with respect to a voluntary patient unless release of the patient has been requested by himself or the individual who applied for his admission.

(e~~3~~) The date and time of any request for release under this section shall be entered in the patient's clinical record. If the request for release is denied, the reasons for denial also shall be entered in the patient's clinical record.

(d~~4~~) A patient admitted for examination pursuant to section ~~20-520~~ or 18-211, Idaho Code, may not be released except for purposes of transportation back to the court ordering, or party authorizing, the examination.

SECTION 5. That Section 66-322, Idaho Code, be, and the same is hereby amended to read as follows:

66-322. APPOINTMENT OF GUARDIAN FOR INDIVIDUALS LACKING CAPACITY TO MAKE INFORMED DECISIONS ABOUT TREATMENT -- JUDICIAL PROCEDURE. (a~~1~~) Proceedings for the appointment of a guardian of a mentally ill person may be commenced by the filing of a written petition with a court of competent jurisdiction by a friend, relative, spouse or guardian of the proposed patient, by a licensed physician, licensed clinical psychologist, prosecuting attorney, or other public official of a municipality, county or of the state of Idaho, or by the director of any facility in which such patient may be.

(b~~2~~) The petition shall state the name and last known address of the proposed patient; the name and address of either the spouse, next of kin or friend of the proposed patient; whether a guardian of the proposed patient has been previously appointed under the laws of this or any other state and, if so, the name and address of the guardian and the circumstances of such appointment; and a precise statement showing that the proposed patient is mentally ill, that treatment is available for such illness, and that the proposed patient lacks capacity to make informed decisions about treatment.

(e~~3~~) Any such petition shall be accompanied by a certificate of a licensed physician or licensed clinical psychologist stating that the physician or psychologist has personally examined the proposed patient within the last fourteen (14) days and is of the opinion:

(i~~a~~) ~~That the proposed patient is mentally ill;~~

(i~~ib~~) ~~That in the absence of treatment the immediate prognosis is for major distress of the proposed patient which will result in serious mental or physical deterioration of the proposed patient;~~

(i~~ic~~) ~~That treatment is available which is likely to avoid serious mental or physical deterioration of the proposed patient;~~ and

(i~~id~~) ~~That the proposed patient lacks capacity to make informed decisions about treatment; or by a written statement by the physician or psychologist that the proposed patient has refused to submit to an examination.~~

(d~~4~~) Upon receipt of a petition, the court shall within forty-eight (48) hours appoint ~~another licensed physician or licensed clinical psychologist~~ a senior designated examiner to make a personal examination of the proposed patient, or if the proposed patient has not been examined, the court shall appoint two (2) ~~licensed physicians or licensed clinical psychologists~~ senior designated examiners to make individual personal examinations of the proposed patient and may order the proposed patient to submit to an immediate examination. Within seventy-two (72) hours of the signing of the order for involuntary hospitalization, the ~~physician or psychologist~~ senior designated examiner shall examine the patient and file with the court certificates described in ~~subparagraph (c) above~~ subsection (3) of this section, if necessary.

(e~~5~~) Upon receipt of such petition and certificates, the court shall appoint a time and place for hearing not more than ~~seven (7)~~ five (5) days from receipt of such certificates and thereupon give written notice to the proposed patient. The notice shall include a copy of the petition and certificates and notice of the proposed patient's right to be represented by an attorney, or if indigent, to be represented by a court-appointed attorney. Notice of the time and place of the hearing shall also be given to the petitioner.

(f~~6~~) An opportunity to be represented by counsel shall be afforded to every proposed patient, and if neither the proposed patient nor others provide counsel, the court shall appoint counsel in accordance with chapter 8, title 19, Idaho Code.

(g~~7~~) The hearing shall be held ~~at a facility, at the home of the proposed patient, or at any other~~ in a manner and at a suitable place not likely to have a harmful effect on the proposed patient's physical or mental health.

(h~~8~~) The proposed patient and the petitioner shall be afforded an opportunity to appear at the hearing, to testify, and to present and cross-examine witnesses. At the hearing, any existing provision of law prohibiting the disclosure of confidential communications between the ~~examining physician or psychologist~~ senior designated examiner and the proposed patient shall not apply and the ~~physicians or psychologists~~ senior designated examiner who examined the proposed patient shall be a competent witness witness to testify as to the proposed patient's condition. The proposed patient shall be required to be present at the hearing, and be free from drugs likely to impair the proposed patient's ability to communicate

with counsel or understand the proceedings, unless the right to be present or free from drugs is knowingly and voluntarily waived by the patient or unless the presence of the patient at the hearing would unduly disrupt the judicial proceedings. A record of the proceedings shall be made as for other civil hearings. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure and the rules of evidence.

(i9) (a) The court shall appoint a person other than the treating professional to act in the proposed patient's best interest with authority to consent to treatment, if, upon completion of the hearing and consideration of the record, the court finds by clear and convincing evidence that:

(1i) The proposed patient has a severe and reliably diagnosable mental illness;

(2ii) Without treatment, the immediate prognosis is for major distress resulting in serious mental or physical deterioration of the proposed patient;

(3iii) Treatment is available for such illness;

(4iv) The proposed patient lacks capacity to make informed decisions about treatment; and

(5v) The relative risks and benefits of treatment or nontreatment are such that a reasonable person would consent to treatment.

(b) The court shall consider appointing persons to give consent in the following priority: the proposed patient's spouse, next of kin, friend or if the proposed patient's spouse, next of kin or friend are unable or unwilling, another appropriate person not associated with the facility where the person is being, or shall be treated.

(j10) The appointed person shall have authority to consent to treatment, including treatment at a facility. Upon approval of the court, the appointed person may pay the costs of treatment from the patient's money and tangible property deliverable to or received by the patient during the period of the appointed person's authority, and may apply for any benefits to which the patient is entitled. In the exercise of his powers, the appointed person is to act as a fiduciary and shall observe the standards of care applicable to trustees as described by section 15-7-302, Idaho Code. The appointment shall continue for a period of seven (7) weeks or until the court determines that the patient no longer lacks capacity to make informed decisions about treatment, whichever is shorter.

(k11) Upon petition of the appointed person, authority to consent may be continued for an additional seven (7) week period, if the court again enters the findings required by ~~subparagraph (i) above~~ subsection (9) of this section. The petition for continued authority shall be accompanied by the certificate of the treating professional meeting the requirements of ~~subparagraph (e) above~~ subsection (3) of this section. The petition for continued authority and physician's certificate shall be served upon the patient and the patient's attorney. If the proposed patient objects to the continued authority, the court shall conduct a hearing, following notice of the time and place of such hearing to the petitioner, the proposed patient and the proposed patient's attorney.

(l12) Proceedings for appointment of a person with authority to consent under this section may be consolidated with proceedings for the involuntary care of the proposed patient under section 66-329, Idaho Code, provided, however, that appointment of a person with authority to consent under this section shall terminate the proceedings for the involuntary care under section 66-329, Idaho Code.

(m13) No more than two (2) petitions with authority to consent shall be granted under subsection (i9) of this section within any twelve (12) month period, provided that other proceedings under this chapter or the Uniform Probate Code shall be permitted.

(n14) The person with authority to consent appointed pursuant to this section shall not be personally responsible for the cost of care or treatment rendered the mentally ill individual, simply by reason of the authority granted by this section.

SECTION 6. That Section 66-324, Idaho Code, be, and the same is hereby amended to read as follows:

66-324. AUTHORITY TO RECEIVE INVOLUNTARY PATIENTS. The director of any facility, or a practitioner granted admitting privileges pursuant to chapter 13, title 39, Idaho Code, is authorized to receive in the facility for observation, diagnosis, evaluation, care or treatment any individual:

- (1) Committed to the department director pursuant to section ~~16-1619, 20-520,~~ 18-212 or 66-329, Idaho Code;
- (2) Transferred pursuant to section 66-1201, Idaho Code; or
- (3) Detained or transferred pursuant to section 66-326, Idaho Code.

SECTION 7. That Section 66-326, Idaho Code, be, and the same is hereby amended to read as follows:

66-326. DETENTION WITHOUT HEARING. (1) No person shall be taken into custody or detained as an alleged emergency patient for observation, diagnosis, evaluation, care or treatment of mental illness unless and until the court has ordered such apprehension and custody under the provisions outlined in section 66-329, Idaho Code; provided, however, that a person may be taken into custody by a peace officer and placed in a facility, or the person may be detained at a hospital at which the person presented or was brought to receive medical or mental health care, if the peace officer or a physician medical staff member of such hospital or a physician's assistant or advanced practice registered nurse practicing in such hospital has reason to believe that the person is gravely disabled due to mental illness or the person's continued liberty poses an imminent danger to that person or others, as evidenced by a threat of substantial physical harm; provided, under no circumstances shall the proposed patient be detained in a nonmedical unit used for the detention of individuals charged with or convicted of penal offenses. For purposes of this section, the term "peace officer" shall include state probation and parole officers exercising their authority to supervise probationers and parolees. Whenever a person is taken into custody or detained under this section without court order, the evidence supporting the claim of grave disability due to mental illness or imminent danger must be presented to a duly authorized court within twenty-four (24) hours from the time the individual was placed in custody or detained.

(2) If the court finds the individual to be gravely disabled due to mental illness or imminently dangerous under subsection (1) of this section, the court shall issue a temporary custody order requiring the person to be held in a facility, and requiring an examination of the person by a designated examiner within twenty-four (24) hours of the entry of the order of the court. Under no circumstances shall the proposed patient be detained in a nonmedical unit used for the detention of individuals charged with or convicted of penal offenses.

(3) Where an examination is required under subsection (2) of this section, the designated examiner shall make his findings and report to the court within twenty-four (24) hours of the examination.

(4) If the designated examiner finds, in his examination under this section, that the person is mentally ill, and either is likely to injure himself or others or is gravely disabled due to mental illness, the prosecuting attorney shall file, within twenty-four (24) hours of the examination of the person, a petition with the court requesting the patient's detention pending commitment proceedings pursuant to the provisions of section 66-329, Idaho Code. Upon the receipt of such a petition, the court shall order his detention to await hearing which shall be within five (5) days (including Saturdays, Sundays and legal holidays) of the detention order. If no petition is filed within twenty-four (24) hours of the designated examiner's examination of the person, the person shall be released from the facility.

(5) Any person held in custody under the provisions of this section shall have the same protection and rights which ~~that~~ are guaranteed to a person already committed to the department director. Upon taking a person into custody, ~~notice shall be given a good faith effort shall be made to provide notice to the person's immediate relatives legal guardian, parent, spouse, or adult next-of-kin of the person's physical whereabouts and the reasons for detaining or taking the person into custody.~~

(6) Nothing in this section shall preclude a hospital from transferring a person who has been detained under this section to another facility that is willing to accept the transferred individual for purposes of observation, diagnosis, evaluation, care or treatment.

SECTION 8. That Section 66-327, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Chapter 3, Title 66, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 66-327, Idaho Code, and to read as follows:

66-327. RESPONSIBILITY FOR COSTS OF COMMITMENT AND CARE OF PATIENTS. (1) For purposes of this section:

(a) "Commitment period" begins when a court of competent jurisdiction enters an order committing a person to the custody of the department of health and welfare pursuant to section 66-329, Idaho Code, and ends when the commitment is terminated.

(b) "Extraordinary medical care" means emergency or extraordinary medical treatment, including but not limited to a neurological evaluation, a computed tomography scan, or surgery.

(c) "Precommitment period" begins when a person is taken into custody or detained as allowed by section 66-326, Idaho Code, or when an application for involuntary care and treatment is filed with a court pursuant to section 66-329, Idaho Code, whichever occurs first, and ends when the person is released from a facility as described in section 66-326(4), Idaho Code, or when, in a proceeding under section 66-329, Idaho Code, the court dismisses the application or enters an order committing the person to the custody of the department director.

(d) "Psychiatric care" includes psychological and psychiatric examination and testing, group and individual therapy, and psychiatric treatment and medication.

(e) "Routine medical care" includes care that can be provided at a facility of the department of health and welfare and hospital costs, including routine board, room, and support services.

(f) "Third-party applicant" means a person other than a patient who completes, signs, and files an application for medicaid on behalf of the patient. A third-party applicant may be an adult who is a member of the patient's family or household, the patient's authorized representative, or, if the patient is incapacitated, someone, including an agent of a facility, who is acting responsibly for the patient.

(2) Costs associated with the precommitment period and commitment period shall be the responsibility of the person committed or being considered for commitment, subject to the department of health and welfare's determination of the person's ability to pay all or any part of such costs. During the precommitment period, the department shall:

(a) Use the state-approved fee determination form and sliding fee schedule described in rules promulgated by the department to determine the person's ability to pay;

(b) Inquire to determine if the person has insurance, including medical assistance provided under the state plan for medicaid as authorized by title XIX of the social security act, as amended; and

(c) Report its findings to the court.

(3) The court may order a person to pay costs consistent with this section.

(4) To the extent possible, psychiatric costs and the costs of routine and extraordinary medical care incurred during precommitment and commitment periods shall be assigned to a person's health insurance, including medical assistance provided under the state plan for medicaid as authorized by title XIX of the social security act, as amended. If a person may be eligible for medicaid but has not applied, a third-party applicant, including an agent at a facility where a person is taken into custody or detained under section 66-326, Idaho Code, or dispositioned following an order under section 66-329, Idaho Code, may submit a medicaid application to the department of health and welfare.

(5) Remaining costs for psychiatric care, routine medical care, and extraordinary medical care shall be apportioned as follows:

(a) Costs of psychiatric care. The department of health and welfare shall pay providers of psychiatric care, both precommitment and during commitment, at the rate established by medicaid or its managed care organization.

(i) If, based on the department of health and welfare's determination under subsection (2) of this section, the person is able to pay a portion of the psychiatric care costs, the person shall reimburse the department consistent with the department's sliding fee schedule.

(ii) If a person is admitted to a state facility, the department of health and welfare may apply rules promulgated pursuant to its authority under section 56-1007, Idaho Code, to collect fees at state facilities and may seek reimbursement for postcommitment psychiatric costs from the person's relatives consistent with section 66-354, Idaho Code.

(b) Medical costs incurred during the precommitment period shall be paid pursuant to chapter 35, title 31, Idaho Code.

(c) Costs for routine medical care during the commitment period will be paid by the department of health and welfare, consistent with the process described in paragraph (a) of this subsection.

(6) The department of health and welfare shall pay fees of designated examiners, including witness fees and expenses for court appearances.

(7) Transportation costs during the precommitment period shall be paid by the county of the person's residence for purposes of chapter 35, title 31, Idaho Code. The department shall pay all transportation costs during the commitment period.

(8) An order of commitment pursuant to the provisions of this section shall be sufficient to require the release of all pertinent information related to the committed person to the court and obligated county, within the restrictions of all applicable federal and state laws.

SECTION 10. That Section 66-329, Idaho Code, be, and the same is hereby amended to read as follows:

66-329. COMMITMENT TO DEPARTMENT DIRECTOR UPON COURT ORDER -- JUDICIAL PROCEDURE. (1) Proceedings for the involuntary care and treatment of mentally ill persons by the department of health and welfare may be commenced by the filing of a written application with a court of competent jurisdiction by a friend, relative, spouse or guardian of the proposed patient, by a licensed physician, by a physician assistant or advanced practice registered nurse practicing in a hospital, by a prosecuting attorney or other public official of a municipality, county or of the state of Idaho, or by the director of any facility in which such patient may be.

(2) The application shall state the name and last known address of the proposed patient; the name and address of the spouse, guardian, next of kin, or friend of the proposed patient; whether the proposed patient can be cared for privately in the event commitment is not ordered; whether the proposed patient is, at the time of the application, a voluntary patient; whether the proposed patient has applied for release pursuant to section 66-320, Idaho Code; and a simple and precise statement of the facts showing that the proposed patient is mentally ill and either likely to injure himself or others or is gravely disabled due to mental illness.

(3) Any such application shall be accompanied by a certificate of a designated examiner stating that he has personally examined the proposed patient within the last fourteen (14) days and is of the opinion that the proposed patient is: (i) mentally ill; (ii) likely to injure himself or others or is gravely disabled due to mental illness; and (iii) lacks capacity to make informed decisions about treatment; or a written statement by the applicant that the proposed patient has refused to submit to examination by a designated examiner.

(4) Upon receipt of an application for commitment, the court shall, within forty-eight (48) hours, appoint another designated examiner to make a personal examination of the proposed patient, or if the proposed patient has not been examined, the court shall appoint two (2) designated examiners to make individual personal examinations of the proposed patient and may order the proposed patient to submit to an immediate examination. If neither designated examiner is a physician, the court shall order a physical examination of the proposed patient. At least one (1) designated examiner shall be a ~~psychiatrist, licensed physician or licensed psychologist~~ senior designated examiner. The designated examiners shall report to the court their findings within the following seventy-two (72) hours as to the mental condition of the proposed patient and his need for custody, care, or treatment by a facility. The reports shall be in the form of written certificates that shall be filed with the court. The court may terminate the proceedings and dismiss the application without taking any further action in the event the reports of the designated examiners are to the effect that the proposed patient is not mentally ill or, although mentally ill, is not likely to injure himself or others or is not gravely disabled due to mental illness. If the proceedings are terminated, the proposed patient shall be released immediately.

(5) If the designated examiner's certificate states a belief that the proposed patient is mentally ill and either likely to injure himself or others or is gravely disabled due to mental illness, the judge of such court shall issue an order authorizing any health officer, peace officer, or director of a facility to take the proposed patient to a facility in the community in which the proposed patient is residing or to the nearest facility to await the hearing, and for good cause may authorize treatment during such period subject to the provisions of section 66-346(a)(4), Idaho Code. Under no circumstances shall the proposed patient be detained in a nonmedical unit used for the detention of individuals charged with or convicted of penal offenses.

(6) Upon receipt of such application and designated examiners' reports, the court shall appoint a time and place for a hearing not more than seven (7) days from the receipt of such designated examiners' reports and thereupon give written notice of such time and place of such hearing, together with a copy of the application, designated examiner's certificates, and notice of the proposed patient's right to be represented by an attorney or, if indigent, to be represented by a court-appointed attorney, to the applicant, to the proposed patient, to the proposed patient's spouse, guardian, next of kin, or friend. With the consent of the proposed patient and his attorney, the hearing may be held immediately. Upon motion of the petitioner, or upon motion of the proposed patient and attorney, and for good cause shown, the court may continue the hearing up to an additional seven (7) days during which time, for good cause shown, the court may authorize treatment.

(7) An opportunity to be represented by counsel shall be afforded to every proposed patient, and, if neither the proposed patient nor others provide counsel, the court shall appoint counsel in accordance with chapter 8, title 19, Idaho Code, no later than the time the application is received by the court.

(8) If the involuntary detention was commenced under this section, the hearing shall be held ~~at a facility, at the home of the proposed patient, or at any other~~ in a manner and at a suitable place not likely to have a harmful effect on the proposed patient's physical or mental health. Venue for the hearing shall be in the county of residence of the proposed patient or in the county where the proposed patient was found immediately prior to commencement of such proceedings.

(9) In all proceedings under this section, any existing provision of the law prohibiting the disclosure of confidential communications between the designated examiner and proposed patient shall not apply and any designated examiner who shall have examined the proposed patient shall be a competent witness to testify as to the proposed patient's condition.

(10) The proposed patient, the applicant, and any other persons to whom notice is required to be given shall be afforded an opportunity to appear at the hearing, to testify, and to present and cross-examine witnesses. ~~The proposed patient shall be required to be present at the hearing unless the court determines that may, after consulting with his attorney, waive his presence at court.~~ The court may waive the presence of a proposed patient if the mental or physical state of the proposed patient is such that his presence at the hearing would be detrimental to the proposed patient's health or would unduly disrupt the proceedings. A record of the proceedings shall be made as for other civil hearings. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure. The court shall receive all relevant and material evidence consistent with the rules of evidence.

(11) If, upon completion of the hearing and consideration of the record, and after consideration of reasonable alternatives including, but not limited to, holding the proceedings in abeyance for a period of up to thirty (30) days, the court finds by clear and convincing evidence that the proposed patient:

- (a) Is mentally ill; and
- (b) Is, because of such condition, likely to injure himself or others, or is gravely disabled due to mental illness;

the court shall order the proposed patient committed to the custody of the department director for observation, care, and treatment for an indeterminate period of time not to exceed one (1) year. The department director, through his dispositioner, shall determine within twenty-four (24) hours the least restrictive available facility or outpatient treatment, consistent with the needs of each patient committed under this section for observation, care, and treatment.



(12) The commitment order constitutes a continuing authorization for the department of health and welfare, law enforcement, or director of a facility, upon request of the director of the outpatient facility, the physician, or the department director through his dispositioner, to transport a committed patient to designated outpatient treatment for the purpose of making reasonable efforts to obtain the committed patient's compliance with the terms and conditions of outpatient treatment. If the director of the outpatient facility, the treating physician, or the department director through his dispositioner determines any of the following:

- (a) The patient is failing to adhere to the terms and conditions of outpatient treatment or the patient refuses outpatient treatment after reasonable efforts at compliance have been made; or
- (b) Outpatient treatment is not effective after reasonable efforts have been made;

the department director through his dispositioner shall cause the committed patient to be transported by the department of health and welfare, law enforcement, or director of a facility to the least restrictive available facility for observation, care, and treatment on an inpatient basis. Within forty-eight (48) hours of a committed patient's transfer from outpatient treatment to a facility for inpatient treatment, the department director through his dispositioner shall notify the court that originally ordered the commitment, the committed patient's attorney, and the committed patient's spouse, guardian, adult next of kin, or friend of the change in disposition and provide a detailed affidavit reciting the facts and circumstances supporting the transfer from outpatient treatment to inpatient treatment at a facility. The court shall conduct an ex parte review of the notice and affidavit within forty-eight (48) hours of filing and determine whether the change in disposition from outpatient treatment to inpatient treatment at a facility is supported by probable cause. In no event shall the calculation of forty-eight (48) hours provided for in this subsection include holidays formally recognized and observed by the state of Idaho, nor shall the calculation include weekends. If the court determines that probable cause exists, the department director through his dispositioner shall continue with care and treatment on an inpatient basis at the least restrictive available facility. Within twenty-four (24) hours of a finding of probable cause, the court shall issue an order to show cause why the patient does not meet the conditions in paragraph (a) or (b) of this subsection. The order shall be served on the committed patient, the committed patient's attorney and the committed patient's spouse, guardian, adult next of kin, or friend. The patient shall have fifteen (15) days to present evidence that the conditions in paragraph (a) or (b) of this subsection have not been met. In no event shall the calculation of twenty-four (24) hours provided for in this subsection include holidays formally recognized and observed by the state of Idaho, nor shall the calculation include weekends. If the court determines that a change in disposition from outpatient treatment to inpatient treatment does not meet the conditions in paragraph (a) or (b) of this subsection, the department director through his dispositioner will continue with outpatient treatment on the same or modified terms and conditions. Nothing provided in this section shall limit the authority of any law enforcement officer to detain a patient pursuant to the emergency authority conferred by section 66-326, Idaho Code.

(13) Nothing in this chapter or in any rule adopted pursuant thereto shall be construed to authorize the detention or involuntary admission to a hospital or other facility of an individual who:

(a) ~~Has epilepsy, a neurological disorder, a neurocognitive disorder, a developmental disability as defined in section 66-402, Idaho Code, a physical disability, an intellectual disability, is impaired by chronic alcoholism or drug abuse, or aged, or any medical disorder that includes psychiatric symptomology or is primarily impaired by substance use,~~ unless in addition to such condition, such person is mentally ill;

(b) Is a patient under treatment by spiritual means alone, through prayer, in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof and who asserts to any authority attempting to detain him that he is under such treatment and who gives the name of a practitioner so treating him to such authority; or

(c) Can be ~~properly~~ cared for privately with the help of willing and able family or friends, and in such a way as to no longer present substantial risk to himself or others, provided that such person may be detained or involuntarily admitted if such person is mentally ill and presents a substantial risk of injury to himself or others if ~~allowed to remain at liberty such care is not adequate.~~

(14) The order of commitment shall state whether the proposed patient lacks capacity to make informed decisions about treatment, the name and address of the patient's attorney and the patient's spouse, guardian, adult next of kin, or friend.

(15) If the patient has no spouse or guardian and if the patient has property that may not be cared for pursuant to chapter 5, title 66, Idaho Code, or by the patient while confined at a facility, the court shall appoint a guardian ad litem for the purpose of preserving the patient's estate, pending further guardianship or conservatorship proceedings.

(16) The commitment shall continue until terminated and shall be unaffected by the patient's conditional release or change in disposition.

SECTION 11. That Section 66-330, Idaho Code, be, and the same is hereby amended to read as follows:

66-330. TRANSPORTATION -- TEMPORARY DETENTION -- NOTICE. (a~~1~~) After the dispositioner has designated the place of treatment, he shall notify the facility director of the disposition and of any medical, security, or behavioral needs of the committed patient. The county department of health and welfare shall deliver the patient within forty-eight (48) hours to the designated facility. Whenever practicable, the individual may be accompanied by one (1) or more of his friends or relatives.

(b~~2~~) Pending his removal to the designated place of treatment, a patient taken into custody or ordered to be committed to the custody of the department director pursuant to this chapter may be detained in his home, a licensed foster home, or any other suitable facility under such reasonable conditions as the dispositioner may fix, but he shall not be detained in a nonmedical facility used for the detention of individuals charged with or convicted of penal offenses. The dispositioner shall take such reasonable measures, to secure proper mental health care and treatment of an individual temporarily detained pursuant to this chapter.

(e~~3~~) The dispositioner shall notify the court, the patient's attorney and either the patient's spouse, guardian, adult next of kin or friend, of the facility to which the patient has been dispositioned.

SECTION 12. That Section 66-337, Idaho Code, be, and the same is hereby amended to read as follows:

66-337. REVIEW, TERMINATION OF COMMITMENT AND DISCHARGE OF PATIENTS. (a<sub>1</sub>) The department director or his designee shall as frequently as practicable but at least once at the end of the first ninety (90) days examine or cause to be examined every patient committed to his custody or admitted to an inpatient facility of the state of Idaho, and determine whether to conditionally release, discharge or terminate the commitment of the patient. If the patient has not been conditionally released, discharged, or had the commitment terminated a similar review shall be conducted every one hundred twenty (120) days thereafter. A report of each review and determination regarding an involuntary patient shall be sent to the committing court, prosecuting attorney of the county of commitment, if any, the patient's attorney, and either the patient's spouse, guardian, next of kin or friend.

(b<sub>2</sub>) The commitment of an involuntary patient shall be terminated if ~~the patient is no longer mentally ill or is no longer likely to injure himself or others or is no longer gravely disabled~~ no longer meets criteria under section 66-329, Idaho Code; provided, that patients admitted under section 18-214, Idaho Code, acquitted of criminal charges filed prior to July 1, 1982, on grounds of mental disease or defect, or committed pursuant to sections 18-212(4) and 66-329, Idaho Code, as unfit to proceed, may not be released from an inpatient facility unless ~~thirty (30)~~ seven (7) days before such release, the department director or his designee shall notify the committing court and prosecuting attorney of the contemplated release.

(e<sub>3</sub>) Upon notification of intention to release from an inpatient facility either a patient admitted under section 18-214, Idaho Code, acquitted of criminal charges filed prior to July 1, 1982, on grounds of mental disease or defect, or committed pursuant to sections 18-212(4) and 66-329, Idaho Code, as unfit to proceed, and upon motion of an interested party or the court on its own motion, the court shall determine whether the conditions justifying such release exist. In making such determination, the court may order an independent examination of the patient. The cost of such independent examination must be borne by the party making the motion or, if indigent, the county having jurisdiction of the case. If no motion is made, the patient may be released according to the notice.

(d<sub>4</sub>) Section 18-214, Idaho Code, shall remain in full force and effect for every individual previously acquitted pursuant to section 18-213, Idaho Code. Section 18-214, Idaho Code, as last amended by section 2, chapter 13, laws of 1977, which is placed here for reference only and is not a reenactment of section 18-214, Idaho Code, and reads as follows:

18-214. Commitment of acquitted defendant -- Conditional release -- Revocation of release within five years. (1) When a defendant is acquitted on the ground of mental disease or defect excluding responsibility, the court shall order him to be committed to the custody of the director of the department of health and welfare to be placed in an appropriate institution for custody, care and treatment.

(2) If the director of the department of health and welfare is of the view that a person committed to his custody, pursuant to paragraph (1) of this section, may be discharged or released on condition without danger to himself or to others, he shall make application for the discharge or release of such person in a report to the court by which such person was committed and shall transmit a copy of such application and report to the prosecuting attorney of the county from which the defendant was committed. The court shall thereupon appoint at least two (2) qualified psychiatrists to examine such person and to report within sixty (60) days, or such longer period as the court determines to be necessary for the purpose, their opinion as to his mental condition. To facilitate such examination and the proceedings thereon, the court may cause such person to be confined in any institution located near the place where the court sits, which may hereafter be designated by the director of the department of health and welfare as suitable for the temporary detention of irresponsible persons.

(3) If the court is satisfied by the report filed pursuant to paragraph (2) of this section and such testimony of the reporting psychiatrists as the court deems necessary that the committed person may be discharged or released on condition without danger to himself or others, the court shall order his discharge or his release on such conditions as the court determines to be necessary. If the court is not so satisfied, it shall promptly order a hearing to determine whether such person may safely be discharged or released. Any such hearing shall be deemed a civil proceeding and the burden shall be upon the committed person to prove that he may safely be discharged or released. According to the determination of the court upon the hearing, the committed person shall thereupon be discharged or released on such conditions as the court determines to be necessary, or shall be recommitted to the custody of the director of the department of health and welfare, subject to discharge or release only in accordance with the procedure prescribed above for a first hearing.

(4) If, within five (5) years after the conditional release of a committed person, the court shall determine, after hearing evidence, that the conditions of release have not been fulfilled and that for the safety of such person or for the safety of others his conditional release should be revoked, the court shall forthwith order him to be recommitted to the custody of the director of the department of health and welfare subject to discharge or release only in accordance with the procedure prescribed above for a first hearing.

(5) A committed person may make application for his discharge or release to the court by which he was committed, and the procedure to be followed upon such application shall be the same as that prescribed above in the case of an application by the director of the department of health and welfare. However, no such application by a committed person need be considered until he has been confined for a period of not less than six (6) months from the date of the order of commitment and if the determination of the court be adverse to the application, such person shall not be permitted to file a further application until one (1) year has elapsed from the date of any preceding hearing on an application for his release or discharge.

(6) If a defendant escapes from custody during his confinement, the director shall immediately notify the court from which committed, the prosecuting attorney and the sheriff of the county from which committed. The court shall forthwith issue an order authorizing any health officer, peace officer, or the director of the institution from which the defendant escaped, to take the defendant into custody and immediately return him to his place of confinement.

SECTION 13. That Section 66-354, Idaho Code, be, and the same is hereby amended to read as follows:

66-354. MENTALLY ILL PERSON WITH ASSETS SUFFICIENT TO PAY EXPENSES -- LIABILITY OF RELATIVES. (a<sub>1</sub>) When a mentally ill person has been admitted to a state facility voluntarily or involuntarily, the director of the facility may cause an inquiry to be made as to the financial circumstances of such person and of the relatives of such person legally liable for his or her support, and if it is found that such person or said relatives, legally liable for the support of the patient, are able to pay the expenses for commitment proceedings and the charges for the care and treatment of the patient in the facility, in whole or in part, it shall be the duty of the director of the facility to collect such expenses and such charges, and if necessary to institute in the name of the state, a civil suit against the person or persons liable therefor.

(b<sub>2</sub>) The following relatives shall be bound by law to provide for the expenses and charges for the commitment, care, and treatment of such mentally ill person referred to in this act chapter: ~~husband for the wife, and the wife for the husband;~~ a spouse, the parent for his or her minor child or minor children, and the adult children for their parents.

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 its passage and approval.

Approved March 21, 2022

CHAPTER 94  
(S.B. No. 1296)

AN ACT

RELATING TO THE IDAHO DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 9-1701, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 39-3302, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 39-3321, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 39-3340, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 49-307, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-204, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-308, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-314, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-402, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-403, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-411, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-412, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-605, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-607, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-615, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1102, IDAHO CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1106, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1107, IDAHO CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1115, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1121, IDAHO CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1506, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1508, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1509, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1510, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL



AMENDING SECTION 54-4132, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-4405, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-4705, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5017, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-5203, IDAHO CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5207, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5212, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5303, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5308, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5310, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5313, IDAHO CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5315, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5402, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5404, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5406, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5502, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5504, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5509, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5602, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5607, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5802, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5807, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 67-7304, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE; AND PROVIDING A SUNSET DATE.

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

SECTION 1. That Section 9-1701, Idaho Code, be, and the same is hereby amended to read as follows:

9-1701. LICENSURE OR NONLICENSURE. (1) The existence or nonexistence of licensure by any public authority in this state, the United States, or any state of the United States may be proved, prima facie, in any criminal or civil action, by the affidavit of the custodian of the records of the licensing authority, or one acting with the authorization of the custodian, stating that the conclusion given was based on a diligent search of the records, and accompanied by a certificate that such person has the custody.

(2) In cases where public licensing functions performed by more than one licensing authority in this state relate to the same subject matter, the ~~bureau of occupational~~ division of occupational and professional licenses may, by regulation, designate a single custodian to maintain a master list of licensees, and the affidavit of such person, or one acting with his author-

ity, may be used as evidence in the manner and with the effect set forth in subsection (1) of this section.

(3) This section does not prevent the proof of official records or of entry or lack of entry therein by any method authorized by any applicable statute, rule of criminal or civil procedure or rule of evidence recognized by the courts of this state.

SECTION 2. That Section 39-3302, Idaho Code, be, and the same is hereby amended to read as follows:

39-3302. DEFINITIONS. As used in this chapter:

(1) "Abuse" means a nonaccidental act of sexual, physical or mental mistreatment or injury of a resident through the action or inaction of another individual.

(2) "Accreditation" means a process of review that allows health care organizations to meet regulatory requirements and standards established by a recognized accreditation organization.

(3) "Accreditation commission" means the commission on accreditation of rehabilitation facilities (CARF), the joint commission, or another nationally recognized accreditation organization approved by the director.

(4) "Activities of daily living" means the performance of basic self-care activities in meeting an individual's needs to sustain him in a daily living environment.

(5) "Administrator" means an individual, properly licensed by the ~~bureau of occupational licensing~~ division of occupational and professional licenses, who is responsible for day-to-day operation of a residential care or assisted living facility.

(6) "Adult" means a person who has attained the age of eighteen (18) years.

(7) "Advocate" means an authorized or designated representative of a program or organization operating under federal or state mandate to represent the interests of mentally ill, developmentally disabled, or elderly residents.

(8) "Assessment" means the conclusion reached using uniform criteria, which identifies resident strengths, weaknesses, risks and needs, to include functional, medical and behavioral needs. The assessment criteria shall be developed by the department and residential care or assisted living council.

(9) "Authorized provider" in this chapter means an individual who is a nurse practitioner or clinical nurse specialist or a physician assistant.

(10) "Board" means the board of health and welfare.

(11) "Chemical restraint" means a medication used to control behavior or to restrict freedom of movement and is not a standard treatment for the resident's condition.

(12) "Core issues" means abuse, neglect, exploitation, inadequate care, a situation in which the facility has operated for more than thirty (30) days without a licensed administrator designated the responsibility for the day-to-day operations of the facility, inoperable fire detection or extinguishing systems with no fire watch in place pending the correction of the system, and surveyors denied access to records, residents or facilities.

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

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

(15) "Exploitation" means the misuse of a resident's funds, property, resources, identity or person for profit or advantage.

(16) "Facility" means a residential care or assisted living facility.

(17) "Governmental unit" means the state, any county, any city, other political subdivision, or any department, division, board, or other agency thereof.



(18) "Inadequate care" occurs when a facility fails to provide the services required to meet the terms of the negotiated service agreement or provide for room, board, activities of daily living, supervision, first aid, assistance and monitoring of medications, emergency intervention, coordination of outside services, a safe living environment; or engages in violations of residents' rights, or takes residents who have been admitted in violation of the provisions of section 39-3307, Idaho Code.

(19) "License" means a basic permit to operate a residential care or assisted living facility.

(20) "Licensee" means the owner of a license to operate a residential care or assisted living facility under this chapter.

(21) "Licensing agency" means the unit of the department of health and welfare that conducts inspections and surveys and issues licenses based on compliance with this chapter.

(22) "Neglect" means failure to provide food, clothing, shelter, or medical care necessary to sustain the life and health of a resident.

(23) "Negotiated service agreement" means the agreement reached by the resident and/or the resident's representative and the facility, based on the assessment, physician's orders, admission records, and desires of the resident, and which outlines services to be provided and the obligations of the facility and the resident.

(24) "Personal assistance" means the provision by the staff of the facility of one (1) or more of the following services:

- (a) Assisting the resident with activities of daily living;
- (b) Arranging for supportive services;
- (c) Being aware of the resident's general whereabouts; and
- (d) Monitoring the activities of the resident while on the premises of the facility to ensure the resident's health, safety and well-being.

(25) "Political subdivision" means a city or county.

(26) "Resident" means an adult who lives in a residential care or assisted living facility.

(27) "Residential care or assisted living facility" means a facility or residence, however named, operated on either a profit or nonprofit basis for the purpose of providing necessary supervision, personal assistance, meals and lodging to three (3) or more adults not related to the owner.

(28) "Room and board" means lodging and meals.

(29) "Substantial compliance" means a facility has no core issue deficiencies.

(30) "Supervision" means administrative activity which provides the following: protection, guidance, knowledge of the resident's general whereabouts, and assistance with activities of daily living. The administrator is responsible for providing appropriate supervision based on each resident's negotiated service agreement or other legal requirements.

(31) "Supportive services" means the specific services that are provided to the resident in the community.

SECTION 3. That Section 39-3321, Idaho Code, be, and the same is hereby amended to read as follows:

39-3321. QUALIFICATIONS AND REQUIREMENTS OF ADMINISTRATOR. Each residential care or assisted living facility must employ at least one (1) administrator licensed by the bureau of occupational licensing division of occupational and professional licenses, which is responsible for licensing residential care facility administrators for the state of Idaho. Multiple facilities under one (1) administrator may be allowed by the department based on an approved plan of operation.

SECTION 4. That Section 39-3340, Idaho Code, be, and the same is hereby amended to read as follows:

39-3340. LICENSING. (1) Any person, firm, partnership, association, governmental unit, or corporation within the state proposing to operate, establish, manage, conduct, or maintain a residential care or assisted living facility in the state shall have a license issued by the licensing agency of the department. A license is not transferable. The owner of the license has ultimate responsibility for the operation of the facility.

(2) Each residential care or assisted living facility in the state requires an administrator, properly licensed by the ~~bureau of occupational licensing~~ division of occupational and professional licenses, who is responsible for the day-to-day operation of the facility.

(3) A license is not transferable from one (1) individual to another, from one (1) business entity to another, or from one (1) location to another. When a change of operator, ownership or location occurs, the facility shall be relicensed, and the operator shall follow the application procedures and obtain a license before commencing operation as a facility. When there is a significant change in an owner's share of the facility that does not alter the overall ownership or operation of the business, that change shall be communicated to the licensing agency within sixty (60) days of the effective date of the change. When the owner contracts the operation to a facility management company, other than for temporary management, it shall be treated as a change of operator.

SECTION 5. That Section 49-307, Idaho Code, be, and the same is hereby amended to read as follows:

49-307. CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT -- CLASS D SUPERVISED INSTRUCTION PERMIT -- APPLICATION FOR A CLASS D DRIVER'S LICENSE -- RESTRICTIONS ON CLASS D DRIVER'S LICENSE. (1) No enrollee of any class D driver's training course shall be allowed to attend classes or participate in driving instruction unless he has obtained a class D driver's training instruction permit, or a class D instruction permit as provided in subsection (4) of this section.

(2) Every enrollee of a class D driver's training course shall pay a nonrefundable fee of fifteen dollars (\$15.00). Five dollars (\$5.00) of each fee so imposed shall be deposited in the state highway account, five dollars (\$5.00) shall be deposited in the county current expense fund, and five dollars (\$5.00) shall be:

(a) Deposited in the driver training account if the person is taking driver's training from a public school; or

(b) Paid to the ~~bureau of occupational~~ division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund if the person is taking driver's training from a private driver's training program. The amount to be remitted to the ~~bureau of occupational~~ division of occupational and professional licenses shall be annually calculated and paid. To calculate such amount, the total number of public driver's training students as submitted to the state department of education shall be subtracted from the total number of permits sold as reported by the Idaho transportation department, and the resulting number shall be multiplied by five dollars (\$5.00).

(3) Each enrollee of a class D driver's training course shall provide the type of information required for a driver's license or instruction permit. If an enrollee of a class D driver's training course cannot provide a certified copy of his birth certificate at the time of application for a permit, the department may issue a class D driver's training instruction permit or a class D instruction permit upon receipt of identification acceptable to the department. The certified copy of an applicant's birth certificate shall be required before a class D driver's license will be issued.

(4) The class D driver's training instruction permit shall expire five (5) days after the permittee's eighteenth birthday for permittees fourteen and one-half (14 1/2) years of age through seventeen and one-half (17 1/2) years of age. The class D driver's training instruction permit shall expire one hundred eighty (180) days from the date of issue for persons seventeen and one-half (17 1/2) years of age or older. Persons aged seventeen (17) years or older may attend classes or participate in driver's training instruction while operating with a class D instruction permit or a class D driver's training instruction permit.

(5) The class D driver's training instruction permit shall be issued to the instructor of the course.

(6) Class D supervised instruction permit.

(a) Upon successful completion of the class D driver's training course, the driver's training instructor shall submit the student log to the county driver's license office and give the class D driver's training instruction permit to the parent or legal guardian of the permittee, and the parent or legal guardian shall assume responsibility for ensuring that the permittee complies with the requirements of operating a vehicle with a class D supervised instruction permit. The class D driver's training instruction permit shall then serve as a class D supervised instruction permit.

(b) In the event the permittee reaches the age of seventeen (17) years while operating a class D vehicle with a class D supervised instruction permit, the supervised instruction permit shall become a class D instruction permit.

(7) No permittee may apply for a class D driver's license sooner than fifteen (15) years of age and no sooner than six (6) months after completing a class D driver's training course, during which time the permittee shall satisfy all requirements for operation of a class D vehicle with a class D supervised instruction permit as follows:

(a) The permittee shall not operate a vehicle unless he is accompanied by a driver who holds a valid driver's license, is twenty-one (21) years of age or older, and who is actually occupying a seat beside the permittee driver. The supervising driver and the permittee shall be the only occupants of the front passenger section of the vehicle.

(b) Over a period of time not less than six (6) months, the permittee shall accumulate at least fifty (50) hours of supervised driving time, ten (10) hours of which shall be during hours of darkness.

(c) The permit shall be in the permittee's immediate possession at all times while operating a vehicle.

(d) In addition to the permittee driver and the supervising driver, all other occupants of the vehicle shall wear a seat belt or be restrained by child passenger restraints as required by law.

(e) The permittee is subject to the provisions of sections 18-1502 and 18-8004, Idaho Code, relating to violation of age restrictions on consumption of beer, wine, and alcohol and driving under the influence of alcohol, drugs or any other intoxicating substances, respectively.

(f) The permittee shall not have been convicted of any moving traffic violation, or have had driving privileges suspended by the department or the court for any offense, or found to be in violation of any of the restrictions on the class D supervised instruction permit, for a period of at least six (6) months from the date the driver's training instructor gave the permit to the parent or legal guardian, or from the date a canceled class D supervised instruction permit was reissued, or until the permittee reaches seventeen (17) years of age.

(g) If the permittee is under seventeen (17) years of age and is convicted of a violation of any traffic law, or section 18-1502, 18-8004 or 23-949, Idaho Code, or is found to be in violation of any of the restrictions on the class D supervised instruction permit, the department shall cancel the class D supervised instruction permit, and the cancellation shall not be used to establish rates of motor vehicle insurance charged by a casualty insurer. If the permittee is under seventeen (17) years of age, the permittee may reapply for and be issued a new class D supervised instruction permit upon payment of the appropriate fee, and shall again be required to operate with the class D supervised instruction permit for at least six (6) months from the date of reissue without a conviction or suspension, accumulate the required hours of driving time and adhere to the requirements as specified in paragraphs (a) through (f) of this subsection.

(8) Upon completion of the requirements in subsection (7) of this section, the permittee shall take the knowledge test and skills test administered by a person certified by the Idaho transportation department to administer knowledge and skills tests.

(9) Upon passage of the knowledge and skills tests, the permittee may apply for a class D driver's license with driving privileges restricted to daylight hours for persons under sixteen (16) years of age, and with full privileges at sixteen (16) years of age or older. Provided however, the restriction on daylight hours only driving privileges for persons under sixteen (16) years of age shall not apply if:

- (a) The person under sixteen (16) years of age has a valid class D driver's license; and
- (b) Is accompanied by a driver who holds a valid driver's license and is twenty-one (21) years of age or older and is actually occupying a seat beside the licensee who is under sixteen (16) years of age; and
- (c) The two (2) licensed drivers are the only occupants of the front passenger section of the vehicle.

The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

(10) Upon passage of the knowledge and skills tests, the permittee may apply for a class D driver's license. Any such licensee who is under the age of seventeen (17) years shall be required, during the first six (6) months from the date of issue of the class D driver's license, to limit the number of passengers in the vehicle who are under the age of seventeen (17) years to not more than one (1) such passenger. Provided however, the limit of one (1) passenger under the age of seventeen (17) years shall not apply to passengers who are related to the driver by blood, adoption or marriage.

SECTION 6. That Section 54-204, Idaho Code, be, and the same is hereby amended to read as follows:

54-204. POWERS AND DUTIES. The Idaho state board of accountancy, in addition to the other powers and duties set forth in this chapter, shall have the following powers and duties:

(1) To adopt and amend rules in accordance with the provisions of the administrative procedure act, chapter 52, title 67, Idaho Code, governing its administration and the enforcement of this chapter and the conduct of licensees including, but not limited to:

- (a) Rules governing the board's meetings and the conduct of its business;
- (b) Rules of procedure governing the conduct of investigations and hearings by the board;
- (c) Rules specifying the education, examination and experience qualifications required for the issuance of certificates, and the continuing professional education required for renewal of licenses;

(d) Rules of professional conduct directed to controlling the quality and probity of professional services by licensees, and dealing among other things with independence, integrity and objectivity; competence and technical standards; responsibilities to the public; and responsibilities to clients;

(e) Rules governing the professional standards applicable to licensees;

(f) Rules governing the manner and circumstances of use of the titles "certified public accountant" and "licensed public accountant";

(g) Rules regarding peer reviews that may be required to be performed under the provisions of this chapter;

(h) Rules on substantial equivalency to implement section 54-227, Idaho Code;

(i) Rules adopting statements on standards as specified in section 54-206, Idaho Code, which, if the board may deem appropriate, shall be those standards developed for general application by recognized accountancy organizations such as the AICPA, as such statements are established from time to time; and

(j) Such other rules as the board may deem necessary or appropriate to implement or administer the provisions and purposes of this chapter.

(2) To issue original certificates of qualification and licenses to practice as certified public accountants to such applicants as may be qualified by reciprocity, transfer of examination grades or by examination.

(3) To charge and collect from all applicants, certificate holders, and licensees such fees as are provided by this chapter and prescribed by rules of the board.

(4) To initiate or receive complaints, cause the same to be investigated, initiate proceedings, and conduct hearings or proceedings pursuant to chapter 2, title 54, Idaho Code. The board may designate a member, or any other person of appropriate competence, to serve as investigating officer to conduct an investigation. Upon completion of an investigation, the investigating officer shall file a report with the board. Unless dismissed by the board as unfounded or trivial, the board may proceed with disciplinary proceedings or may return the report to the investigating officer for further investigation.

(a) In order to protect the interests of a complainant, witness, third party or defendant, the board may upon application and for good cause shown, issue a protective order, consistent with chapter 1, title 74, Idaho Code, prohibiting the disclosure of specific information otherwise not privileged and confidential and direct that the proceedings be conducted so as to implement the order.

(b) In carrying into effect the provisions of this chapter, the board may subpoena witnesses and compel their attendance, and also may require the submission of books, papers, documents or other pertinent data; may administer oaths; may take testimony; may cooperate with the appropriate authorities in other states in investigation and enforcement concerning violations of this chapter and comparable acts of other states; and may receive evidence in any disciplinary matters or in any case wherever a violation of the provisions of this chapter is alleged. Upon failure or refusal to comply with any such order of the board, or upon failure to honor its subpoena, the board may apply to the court in the district where the witness resides to enforce compliance.

(5) To authorize by written agreement the ~~bureau of occupational~~ division of occupational and professional licenses as agent to act in its interest.

(6) Any action, claim or demand to recover money damages from the board or its employees which any person is legally entitled to recover as compensation for the negligent or otherwise wrongful act or omission of the board or its employees, when acting within the course and scope of their employment, shall be governed by the Idaho tort claims act, chapter 9, title 6, Idaho Code. For purposes of this subsection, the term "employees" shall include special assignment members of the board and other independent contractors while acting within the course and scope of their board related work.

(7) All hearings, investigations or proceedings conducted by the board shall be conducted in conformity with chapter 52, title 67, Idaho Code, and rules of the board adopted pursuant thereto, and, unless otherwise requested by the concerned party, be subject to disclosure according to chapter 1, title 74, Idaho Code.

SECTION 7. That Section 54-308, Idaho Code, be, and the same is hereby amended to read as follows:

54-308. BOARD -- POWERS. The board shall have, in addition to the powers conferred elsewhere in this chapter, the following powers:

(1) To authorize, by written agreement, the ~~bureau of occupational division of occupational and professional licenses~~ to act as its agent in its interests and, at its discretion, to contract with the ~~bureau of occupational division of occupational and professional licenses~~ for those services deemed necessary for the proper administration of this chapter;

(2) To adopt, pursuant to the administrative procedure act, such rules as are necessary for the administration and enforcement of this chapter, including a code of ethics and standards of practice;

(3) To maintain records necessary to carry out its duties under this chapter;

(4) To adopt rules setting the qualifications and fitness of applicants for licensure under this chapter;

(5) To approve continuing education courses and prescribe by rule the minimum number of continuing education hours required of each licensee seeking to obtain or renew an architect's license in the state of Idaho;

(6) To examine for, deny, approve, issue, revoke, suspend or otherwise discipline licenses pursuant to this chapter and to conduct investigations and hearings in connection with such actions, in accordance with the provisions of chapter 52, title 67, Idaho Code;

(7) To establish a procedure for an applicant to request an exemption review for a felony or lesser crime conviction. The applicant shall bear the burden and financial responsibility of providing all evidence, documentation and proof of suitability for licensure required by the board for exemption review;

(8) To administer or have its designee administer oaths or affirmations to witnesses in any proceeding authorized by this chapter;

(9) (a) To engage in discovery as provided in the Idaho rules of civil procedure and chapter 52, title 67, Idaho Code, including, but not limited to, the power to take depositions of witnesses within or without the state in the manner provided by law in civil cases, and to require the attendance of witnesses and the production of books, records and papers as it may desire at any hearing before it of any matter that it has authority to investigate, and for that purpose the board or its designated hearing officer may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county of the state of Idaho where the witness resides or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The licensed person accused in the proceedings shall have the same right of subpoena upon making application to the board.

(b) The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases and will be paid from the occupational licenses fund in the same manner as other expenses of the board are paid.

(c) In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may be interrogated, it shall be the duty of the district court, or any judge thereof, of any county in this state in which the disobedience, neglect or refusal occurs, upon application by the board, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or for refusal to testify; and

(10) To take such action as may be necessary to enforce the provisions of this chapter and to regulate the practice of architecture.

SECTION 8. That Section 54-314, Idaho Code, be, and the same is hereby amended to read as follows:

54-314. DISCIPLINE -- INJUNCTION. (1) The board shall have the authority to sanction any license issued pursuant to the provisions of this chapter for any of the following:

(a) Fraud or deception in applying for, procuring or renewing a license under this chapter;

(b) Fraud or deceit in the practice of architecture or in procuring any contract in the practice of architecture;

(c) Incompetence or gross negligence or recklessness in the practice of architecture;

(d) A conviction, finding of guilt, receipt of a withheld judgment or suspended sentence in this or any other state, territory, country or jurisdiction for a felony or a misdemeanor, which misdemeanor involved a violation of the provisions of this chapter, a willful violation of state or local building codes, or a violation of other laws relating to the public health and safety and that were committed in the course of practicing architecture;

(e) Affixing his signature to, or impressing his seal upon, any plans, drawings, specifications or other instruments of service that have not been prepared by him, or under his responsible control, or permitting his name to be used for the purpose of assisting any person who is not a licensed architect to evade the provisions of this chapter;

(f) Receiving rebates, commissions, grants of money or other favors in connection with the work, without the knowledge of the party for whom he is working, or having a pecuniary interest in the performance of the contract for the work designed, planned or supervised by him without the knowledge and consent of the owner;

(g) Unethical or unprofessional conduct as defined by the rules of the board or the code of ethics established by the rules of the board;

(h) Practicing architecture or representing oneself as a licensed architect when unlicensed, in violation of licensing laws of the jurisdiction in which the conduct took place;

(i) Having had any professional or occupational license revoked, suspended or otherwise disciplined in Idaho or any other state, territory, country or jurisdiction;

(j) Failing to maintain the requirements for a license, including not fulfilling the continuing education requirement for license renewal established by the board in rule;

(k) Failing to comply with a board order; or

(l) Violating any of the provisions of this chapter or any of the rules promulgated by the board under the authority of this chapter.

(2) Sanctions that the board may impose include one (1) or more of the following:

- (a) Refusal to grant or renew a license;
- (b) Revocation of a license;
- (c) Suspension of a license for a period not to exceed two (2) years;
- (d) Restriction of a license to prohibit the offender from performing certain acts or from engaging in the practice of architecture in a particular manner for a period not to exceed two (2) years;
- (e) Placement of the offender on probation and supervision by the board for a period not to exceed two (2) years; and
- (f) Imposition of an administrative fine not to exceed two thousand dollars (\$2,000) per violation.

(3) The procedures for disciplinary proceedings shall be in compliance with the Idaho administrative procedure act and the rules of the office of the attorney general and the bureau of occupational division of occupational and professional licenses.

(4) The board or any resident citizen may maintain an action in equity in the name of the state of Idaho to enjoin perpetually any person, firm, company, corporation or partnership from persisting in the doing of any acts constituting a violation of this chapter. Such action shall be brought in the district court of the county in which said act or acts or some of them are claimed to have been or are being committed, by filing a complaint setting forth the acts. The court, or a judge thereof at chambers, if satisfied from the complaint or by affidavits that the acts complained of have been or are being committed and will probably be persisted in, may issue a temporary writ enjoining the defendant from the commission of any such act or acts pending final disposition of the case. The case shall proceed as in other cases for injunction. If at the trial the commission of the act or acts by the defendant is established, and the court further finds that it is probable that the defendant will continue therein or in similar violations, the court, or a judge thereof at chambers, shall enter a decree perpetually enjoining the defendant from thereafter committing said or similar acts.

SECTION 9. That Section 54-402, Idaho Code, be, and the same is hereby amended to read as follows:

54-402. DEFINITIONS. (1) The terms used in this chapter have the following meanings:

- (a) "Amateur combatant" means an individual who has never been a professional combatant, as defined in this chapter, as well as an individual who has never received nor competed for any purse or other article of value, either for participating in or being associated in any way with any contest or exhibition of unarmed combat or for the expenses of training therefor, other than a noncash prize which does not exceed fifty dollars (\$50.00) in value.
- (b) "Applicant" means any individual, club, association, corporation, partnership, trust or other business entity which submits an application to the commission for a license or permit pursuant to this chapter.
- (c) "Booking agent" means persons who act as bookers, agents, agencies and representatives who secure engagements and contracts for combatants.
- (d) "Boxing" means the pugilistic act of attack and defense with the fists, practiced as a sport. The term includes all variations of the sport permitting or using other parts of the human body to deliver blows upon an opponent including, but not limited to, the foot, knee, leg, elbow or head. "Boxing" includes, but is not limited to, kickboxing and martial arts but does not include professional wrestling.



(e) "Broadcast" means any audio or visual transmission sent by any means of signal within, into or from this state, whether live or taped or time delayed, and includes any replays thereof.

(f) ~~"Bureau" means the Idaho bureau of occupational licenses.~~

~~(g) "Closed-circuit telecast" means any telecast of contests or exhibitions which is not intended to be available for viewing without the payment of a fee, collected or based upon each telecast viewed, or for the privilege of viewing the telecast.~~

(hg) "Club" means an incorporated or unincorporated association or body of individuals voluntarily united and acting together for some common or special purpose.

(ih) "College" and "university" mean:

(i) An educational institution of higher learning that typically grants associate's, bachelor's, master's or doctorate degrees;

(ii) A division or school of a university; and

(iii) As used in this chapter, also includes educational institutions known as community colleges and ~~professional-~~ career technical schools.

(ji) "Combatant" means an individual who takes part as a competitor in a contest or exhibition.

(kj) "Commission" means the state athletic commission.

(lk) "Commissioner" means the state athletic commissioner.

(ml) "Contest" means a boxing match in which the participants strive earnestly in good faith to win.

(nm) "Corner person" means, but shall not be limited to, a trainer, a second or any other individual who attends the combatant during a match.

(n) "Division" means the division of occupational and professional licenses.

(o) "Exhibition" means an engagement in which the participants show or display their skill without necessarily striving to win, such as a wrestling match between professional wrestlers or a boxing match where boxers are sparring.

(p) "Judge" means an individual other than a referee who shall have a vote in determining the winner of any contest.

(q) "Kickboxing" means any form of competitive pugilistic contest or exhibition in which blows are delivered with the hand and any part of the foot.

(r) "License" means a certificate issued to a person by the commission that is required for the person to conduct, participate in or otherwise be associated with sanctioned contests or exhibitions.

(s) "Licensee" means a person who has been issued a license by the commission.

(t) "Manager" means a person who controls or administers the affairs of any professional combatant. The term "manager" includes a person acting as a booking agent or a person acting as the representative of a manager.

(u) "Martial arts" means any form of karate, kung fu, tae kwon do, sumo, judo or any other system or form of combat or self-defense art.

(v) "Matchmaker" means a person who brings together or induces combatants to participate in contests or exhibitions or a person who arranges contests or exhibitions.

(w) "Participant" means any person who is required by this chapter to be licensed by the commission in connection with taking part in or being associated with a contest or exhibition.

(x) "Person" means any individual, partnership, limited liability company, club, association, corporation, organization, secondary school, college, university, trust or other legal entity.

(y) "Physician" means an individual licensed under the laws of this state to engage in the general practice of medicine or osteopathic medicine.

(z) "Professional combatant" means an individual eighteen (18) years of age or older who participates as a competitor in a contest or exhibition for money, prizes or purses, or who teaches, instructs or assists in the practice of unarmed combat or sparring as a means of obtaining pecuniary gain.

(aa) "Professional contest and professional exhibition" means any contest or exhibition conducted within this state involving professional combatants.

(bb) "Professional wrestling" means an activity in which combatants struggle hand-to-hand primarily for the purpose of providing entertainment to spectators and which does not comprise a bona fide athletic contest or competition.

(cc) "Promoter" means any person including an owner, officer, partner, member, director, employee or shareholder thereof, who produces, arranges, stages or otherwise promotes any contest or exhibition.

(dd) "Pugilistic" means an act related to the skill or practice of fighting with the fists.

(ee) "Purse" means the financial guarantee or any other remuneration or thing of value for which a person participates in a contest or exhibition.

(ff) "Ring official" means any individual who performs an official function during the progress of a regulated contest or exhibition including, but not limited to, timekeepers, judges, referees and attending physicians.

(gg) "Sanctioning permit" means a license issued by the commission or a permit issued by an approved amateur athletic sanctioning organization, that authorizes a promoter to promote a single program of contests and exhibitions at a specific venue.

(hh) "Secondary school" means a school which, for operational purposes, is organized and administered on the basis of grades ~~seven (7)~~ through ~~twelve (12)~~, inclusive, or any combination thereof.

(ii) "Sparring" means to engage in a form of unarmed combat, such as occurs in a practice or exhibition match.

(jj) "Trainer" means an individual who assists, coaches or instructs any unarmed combatant with respect to physical conditioning, strategy, techniques or preparation for competition in contests or exhibitions.

(kk) "Unarmed combat" means a fight or contest between individuals or groups without the use of weapons other than the natural appurtenances of the human body.

(2) To the extent the commission deems pertinent, any specialized term not otherwise defined in this chapter may be defined by rule.

SECTION 10. That Section 54-403, Idaho Code, be, and the same is hereby amended to read as follows:

54-403. AGENTS, EMPLOYEES AND INSPECTORS. (1) The commission shall contract with the ~~bureau of occupational~~ division of occupational and professional licenses to act as the board's agent and employ such employees and inspectors as may be necessary to provide the required administrative, investigative, legal and fiscal services and otherwise administer the provisions of this chapter.

(2) The commissioner may appoint up to five (5) deputy state athletic commissioners who shall be assigned such duties and given such authority as designated by the commissioner. Deputy commissioners shall serve at the discretion of the commissioner and may be appointed for a term not to exceed

the tenure of the commissioner. Deputy commissioners shall be entitled to an honorarium as provided in section 59-509(n), Idaho Code.

(3) No less than one (1) commissioner or deputy commissioner or agent of the commission shall be present at any contest or exhibition held under the provisions of this chapter. Such agents shall carry official identification evidencing their authority. It shall be their duty to see that all rules of the commission and the provisions of this chapter are strictly complied with and to be present at the accounting of the gross receipts of any contest or exhibition, and such agent is authorized to receive from the licensee conducting the contest or exhibition the statement of gross receipts herein provided for and to immediately transmit such reports to the commission.

SECTION 11. That Section 54-411, Idaho Code, be, and the same is hereby amended to read as follows:

54-411. STATEMENT AND REPORT OF EVENT -- TAX ON GROSS RECEIPTS. (1) Any promoter as herein provided shall, at least seven (7) days prior to the holding of any contest or exhibition, file with the commission a statement setting forth the name of each combatant, his manager or managers, the total number of tickets available for the contest or exhibition and such other information as the commission may require. The promoter shall pay to the commission at the time of the sanctioning permit application an initial event tax of one thousand dollars (\$1,000). Within seventy-two (72) hours after the termination of any contest or exhibition the promoter shall file with the commission representative a gross receipts report, duly verified as the commission may require showing the number of tickets sold for such contest or exhibition, the price charged for such tickets and the gross receipts thereof without any deduction whatsoever, and such other and further information as the commission may require. If the initial event tax previously paid is less than nine percent (9%) of the gross receipts for the event, then the promoter shall pay to the commission at the time of filing the above report an additional event tax equal to nine percent (9%) of the gross receipts, minus the initial event tax previously paid, for deposit by the commission.

(2) All tickets for any contest or exhibition shall be issued, sold and distributed by an independent ticket distributor or broker not associated with the promoter and not associated with the venue unless approved by the commission. The number of complimentary tickets shall be limited to two percent (2%) of the total tickets sold per event location. All complimentary tickets exceeding this set amount shall be subject to taxation. The promoter shall limit the number of persons admitted to the event to the number of available tickets that are actually sold, given away or otherwise issued for the event.

(3) Gross receipts reports signed under oath shall also include:

- (a) The name of the promoter;
- (b) The contest or exhibition sanctioning permit number;
- (c) The promoter's business address and any license or sanctioning permit number required of such promoter by law;
- (d) Gross receipts as specified by this section, during the period specified by this section; and
- (e) Such further information as the commission may require to enable it to compute correctly and collect the assessment levied pursuant to this section.

(4) In addition to the information required on gross receipts reports, the commission may request, and the promoter shall furnish, any information deemed necessary for a correct computation of the assessment levied pursuant to this section.

(5) All levies pursuant to this section shall be collected by the commission and shall be deposited in the state treasury to the credit of the occupational licenses fund.

(6) The moneys collected from the assessment levied pursuant to the provisions of this section shall be in addition to all other revenues and funds received by the commission.

(7) The promoter shall compute and pay to the commission the required assessment due. If the payment of the assessment is not postmarked or delivered to the commission as specified in subsection (1) of this section, the assessment shall be delinquent from such date. In addition, if the promoter has not paid the initial event tax as provided in subsection (1) of this section, the promoter shall not hold the event.

(8) Of the moneys collected by the commission pursuant to the tax authorized in subsection (1) of this section, up to five percent (5%) of said tax may be used by the commission for the promotion and support of amateur contests and exhibitions in this state. All parties interested in receiving a distribution must submit an application to the commission which shall include the name of the person or entity applying and a detailed description of what the applicant intends to do with the distribution if granted. The commission shall consider all applications and assign distributions, if any, at the end of each fiscal year to those applicants the commission deems most qualified. The commission may make such distributions only if the commission has a positive balance within the occupational licenses fund and sufficient revenue to cover its projected expenses for the upcoming year.

(9) It shall be the duty of every promoter required to make a gross receipts report and pay any assessment pursuant to the provisions of this section to keep and preserve suitable records and documents which may be necessary to determine the amount of assessment due as will substantiate and prove the accuracy of such reports. All such records shall be preserved for a period of three (3) years, unless the commission, in writing, has authorized their destruction or disposal at an earlier date, and shall be open to examination at any time by the commission or by its authorized agents.

(10) In the event the state athletic commission's debt owed to the ~~bureau of occupational~~ division of occupational and professional licenses exceeds two hundred thousand dollars (\$200,000), the commission's operations will be suspended, including issuance of licenses and permits. In order for the commission's operations to be reinstated all outstanding debt owed to the ~~bureau of occupational~~ division of occupational and professional licenses must be paid in full.

SECTION 12. That Section 54-412, Idaho Code, be, and the same is hereby amended to read as follows:

54-412. FUNDS. All fees received under the provisions of this chapter shall be paid to the ~~bureau of occupational~~ division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from such fund.

SECTION 13. That Section 54-605, Idaho Code, be, and the same is hereby amended to read as follows:

54-605. POWERS AND DUTIES OF STATE BOARD OF PODIATRY. The state board of podiatry, herein referred to as the board, shall have the following powers:

(1) To approve examinations to ascertain the qualifications and fitness of applicants to practice podiatry; to pass upon the qualifications of applicants for licenses by endorsement; and to establish, by rule, the specific examinations to be required of each applicant for licensure.

(2) To prescribe rules defining for the podiatrists what shall constitute a reputable school, college or university, or department of a university or other institution in good standing, and to determine the reputability of good standing of a school, college or university, or department of a university or other institution, by reference to compliance with such rules.

(3) To establish a standard of preliminary education deemed requisite for admission to a school, college or university teaching podiatry, and to require satisfactory proof of the enforcement of such standards by schools, colleges and universities.

(4) To prescribe rules for a fair and wholly impartial method of examination of candidates to practice podiatry.

(5) To conduct hearings and proceedings for discipline of licensees as set forth in this chapter.

(6) To make and promulgate rules when required in this chapter to be administered.

(7) To make and promulgate rules prescribing the standards for the ethical practice of podiatry in the state.

(8) To authorize, by written agreement, the ~~bureau of occupational division of occupational and professional~~ licenses as agent to act in its interest.

(9) To make and promulgate rules defining and requiring a podiatric residency as a condition of licensure.

(10) To promulgate rules establishing an inactive license status and an inactive license fee.

SECTION 14. That Section 54-607, Idaho Code, be, and the same is hereby amended to read as follows:

54-607. LICENSES -- ISSUANCE -- RENEWALS -- DISPLAY. (1) If the applicant passes a satisfactory examination and shows that he is a person of good moral character and he possesses the qualifications required by this chapter to entitle him to a license as a podiatrist, he shall be entitled to a license authorizing him to practice podiatry within the state of Idaho. The successful applicant shall be issued his license by the board upon payment of the original license fee that shall be established by board rule and shall not exceed the annual renewal fee.

(2) All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code. An annual renewal license fee established by board rule shall not exceed six hundred fifty dollars (\$650) for podiatrists. Payment of fees herein provided and satisfactory evidence of having complied with continued education requirements as established by board rule are conditions precedent for issuance of a license.

(3) Every person to whom a license is granted shall have such license displayed continuously in a conspicuous part of his office wherein his practice of podiatry is conducted.

(4) The board shall keep on file a register of all applicants for license, rejected applicants and licensees.

(5) The fee for reinstatement of a license shall be as provided in section 67-2614, Idaho Code. All fees shall be paid to the ~~bureau of occupational division of occupational and professional~~ licenses.

SECTION 15. That Section 54-615, Idaho Code, be, and the same is hereby amended to read as follows:

54-615. MONEYS DEPOSITED IN THE STATE TREASURY. All moneys of any kind collected under the provisions of this act shall be immediately remitted to the ~~bureau of occupational~~ division of occupational and professional licenses for deposit in the state treasury to the credit of the occupational licenses fund.

SECTION 16. That Section 54-1102, Idaho Code, be, and the same is hereby amended to read as follows:

54-1102. DEFINITIONS. As used in this act:

(1) "Board" means the state board of morticians of the state of Idaho or any successor thereof.

(2) ~~"Bureau chief" means the chief of the bureau of occupational li-~~  
~~enses.~~

~~(3)~~ "Burial" means the interment or entombment of dead human bodies in any manner.

(43) "Cremains" means human remains after cremation.

(54) "Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory.

(65) "Crematory" means a building or structure containing one (1) or more retorts for the reduction of bodies of deceased persons to cremated remains.

(76) "Columbarium" means a structure, room or other space in a building or structure containing niches for permanent inurnment of cremains.

(87) "Department" means the department of self-governing agencies of the state of Idaho.

(8) "Division administrator" means the chief administrative officer of the division of occupational and professional licenses.

(9) "Embalming" means the disinfecting, preparing or preserving for final disposition of dead human bodies, in whole or in part, or any attempt to do so, by the use or application of chemical substances, fluids or gases on the body, or by the introduction of the same into the body by vascular or hypodermic injection or by direct introduction into organs or cavities, or by any other method or process.

(10) "Establishment" means any funeral establishment or crematory establishment regulated by the board of morticians.

(11) "Funeral director" means any person engaged in or conducting, or holding himself out as engaged in or conducting, any of the following activities:

(a) Directing or supervising the burial, cremation or disposal of dead human bodies.

(b) Arranging for funeral services for dead human bodies.

(c) Selling funeral goods and services to the public.

(d) Conducting, directing or supervising a funeral service.

(12) "Funeral director license" means a yearly license issued by the board to act as a funeral director and perform funeral director services as defined in this chapter.

(13) "Funeral director services" means the services of a funeral director defined in subsection (11) of this section. Funeral director services do not include embalming.

(14) "Funeral establishment" means a place of business at a specific street address or location devoted to the embalming and care and preparation for burial or disposal of dead human bodies including all portions of such business premises and all tools, instruments and supplies used in the preparation and embalming of dead human bodies for burial or disposal, and including any chapel or other facility in which funeral or other religious services may be conducted.

(15) "Funeral establishment license" means a yearly license issued by the board authorizing the licensee to conduct a funeral establishment as defined in this chapter.

(16) "Funeral services" means any funeral or religious service conducted in connection with, or preparatory to, the burial or disposal of a dead human body.

(17) "Funeral supplies" means caskets, vaults, burial receptacles and any other personal property sold for use in the burial or disposal of a human body.

(18) "Human remains" means the body of a deceased person in any condition or state of decomposition including cremated remains.

(19) "Mortician" means any person engaged in or conducting, or holding himself out as engaged in or conducting, any of the following activities:

(a) Caring for or preparing dead human bodies for burial, cremation or disposal.

(b) Disinfecting or preparing dead human bodies by embalming, or otherwise, for funeral service, transportation, burial, cremation or disposal.

(c) Directing or supervising the burial, cremation or disposal of dead human bodies.

(d) Arranging for funeral services for dead human bodies.

(e) Selling funeral goods and services to the public.

(f) Conducting, directing or supervising a funeral service.

(20) "Mortician license" means a yearly license issued by the board to act as a mortician and perform mortician services as defined in this chapter.

(21) "Mortician services" means the services of a mortician defined in subsection (19) of this section.

(22) "Resident trainee" means a person who is engaged in preparing to become licensed as a mortician or funeral director, and who practices under the direct and immediate personal supervision of a licensed mortician pursuant to rules adopted by the board.

(23) "Resident trainee license" means a yearly license issued by the board to act as a licensed resident trainee and perform services under the direct personal supervision of a licensed mortician as defined in this chapter.

SECTION 17. That Section 54-1106, Idaho Code, be, and the same is hereby amended to read as follows:

54-1106. POWERS AND DUTIES OF BOARD. The state board of morticians shall have the following powers and duties:

(1) To prepare, conduct, and grade examinations of applicants for licenses.

(2) To certify the results of examinations of applicants and certify the applicant as having "passed" or "failed."

(3) To conduct hearings and proceedings in connection with the suspension or revocation of licenses.

(4) To make findings and recommendations to the governor on any and all matters relating to the enforcement of the provisions of this chapter.

(5) To perform all other duties and exercise all other powers granted under this chapter, or the laws of the state of Idaho.

(6) To authorize, by written agreement, the ~~bureau of occupational division of occupational and professional~~ licenses as agent to act in its interest.

(7) To provide for the licensure and regular inspection of funeral establishments and crematories.

SECTION 18. That Section 54-1107, Idaho Code, be, and the same is hereby amended to read as follows:

54-1107. POWERS AND DUTIES OF ~~BUREAU CHIEF~~ DIVISION ADMINISTRATOR. The ~~chief division administrator~~ of the ~~bureau of occupational division of occupational and professional licenses~~, shall have the following powers and duties under this act:

A. (1) To determine and pass upon the qualifications of applicants for all licenses under this act.

B. (2) To issue all licenses provided for under the provisions of this act.

C. (3) To annually renew licenses under this act.

D. (4) To collect all fees prescribed and required herein pursuant to this section.

E. (5) To conduct hearings and proceedings for the suspension or revocation of licenses and to suspend or revoke any license for any of the causes hereinafter defined and set forth under this act; provided, however, that the ~~bureau chief division administrator~~ shall not revoke or suspend any license without first receiving written findings and recommendations from the board of morticians.

F. (6) (a) To keep general books of record of all official acts, proceedings and transactions of the board while acting under this act, including the following:

(1i) A cash book showing in detail all receipts and disbursements for the board received or expended under this act; and

(2ii) A special register containing the names and addresses of all applicants, the date the application was received, the result of the examination, and whether the applicant received a license or was rejected, and a full statement of the reasons therefor.

(3b) All books of record kept shall be prima facie evidence of all matters therein recorded, and shall be public records.

G. (7) To prescribe rules for the implementation and enforcement of the provisions of this act.

H. (8) To publish and distribute copies of this act and the rules issued by the board to applicants, licensees and the public.

I. (9) To perform all duties and exercise all powers granted under chapter 3, title 27, Idaho Code.

SECTION 19. That Section 54-1115, Idaho Code, be, and the same is hereby amended to read as follows:

54-1115. LICENSE FEES. Any fee required pursuant to this chapter, including fees for original licenses, examinations, annual renewals, and certificates, shall be set by board rule. All fees shall be paid to the ~~bureau of occupational division of occupational and professional licenses~~.

SECTION 20. That Section 54-1121, Idaho Code, be, and the same is hereby amended to read as follows:

54-1121. ACCOUNTING PROCEDURE -- INCOME AND EXPENSES. All income and expenses received or incurred under the provisions of this act shall be itemized, validated, and audited and allowed by the ~~chief division administrator~~ of the ~~bureau of occupational division of occupational and professional licenses~~.

SECTION 21. That Section 54-1506, Idaho Code, be, and the same is hereby amended to read as follows:



54-1506. LICENSE FEES. (1) All fees of any kind collected under the provisions of this chapter shall be paid to the ~~bureau of occupational division of occupational and professional~~ licenses and deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund.

(2) The annual fee for renewal of a license shall be established by board rule, not to exceed one hundred seventy-five dollars (\$175).

SECTION 22. That Section 54-1508, Idaho Code, be, and the same is hereby amended to read as follows:

54-1508. STATE BOARD OF OPTOMETRY -- ORGANIZATION -- MEETINGS -- EXPENSES. (1) The board of optometry shall meet on or before September 15 of each year and select from its members a chairman and a secretary who shall serve at the pleasure of the board. The secretary shall keep the minutes of the meetings of the board, maintain the files and records of the board, maintain a roster of all persons licensed as optometrists under this act and, on or before October 1 of each year, forward to the ~~bureau of occupational division of occupational and professional~~ licenses a certified list of those persons who have paid the fees required by this act.

(2) The board of optometry may meet at stated times and places and shall meet upon the call of its chairman or upon written request of a majority of its members. Three (3) members shall constitute a quorum, and a majority of the members present at a meeting at which a quorum is present shall determine the action of the board. Each member of the board shall be notified of any meeting called for any purpose.

(3) Out of the moneys appropriated to the ~~bureau~~ division from fees paid under section 54-1506(2), Idaho Code, or otherwise appropriated from fees paid under section 54-1506(2), Idaho Code, and deposited in the occupational licenses fund established by section 67-2608, Idaho Code, the members of the board of optometry shall be compensated as provided by section 59-509(n), Idaho Code.

SECTION 23. That Section 54-1509, Idaho Code, be, and the same is hereby amended to read as follows:

54-1509. STATE BOARD OF OPTOMETRY -- POWERS AND DUTIES. In order to protect the public in the practice of optometry, better enable members of the public to fix professional responsibility and further safeguard the doctor-patient relationship, the state board of optometry shall have the following powers and duties:

(1) To make and prescribe rules for a fair and wholly impartial method of examination of candidates to practice optometry.

(2) To make and prescribe rules defining for the optometrists what shall constitute a school, college or university or department of a university or other institution reputable and in good standing and to determine the reputability and good standing of a school, college or university or department of a university or other institution by reference to a compliance with such rules.

(3) To make and prescribe rules to establish a standard of preliminary education deemed requisite to admission to a school, college or university and to require satisfactory proof of the enforcement of such standards by schools, colleges and universities.

(4) To make and prescribe rules governing the relicensing of persons applying for a license to practice optometry in the state of Idaho after a failure to maintain a license for a period in excess of five (5) years.

(5) To establish by rule the qualifications necessary to grant a license to practice optometry in Idaho by endorsement to persons licensed in other states or foreign countries.

(6) To conduct examinations to ascertain the qualifications and fitness of applicants to practice optometry or to recognize by rule a national testing agency for the administration and grading of such test.

(7) To make and prescribe rules governing the minimum amount and kind of continuing education in optometry to be required annually of each optometrist seeking to renew his license to practice optometry in the state of Idaho.

(8) To make, prescribe and promulgate rules prescribing a code of ethics and standards of professional conduct in practice for the purpose of regulating and governing the practice of optometry by licensed optometrists within the state of Idaho and to change and modify its rules or prescribe new rules in order to improve the practice of optometry for the benefit of the people of the state of Idaho.

(9) To make, prescribe and promulgate rules regarding the establishment of "branch offices" in the state of Idaho by persons licensed to practice optometry.

(10) To make, prescribe and promulgate rules regarding advertising by optometrists licensed to practice in Idaho.

(11) To make, prescribe and promulgate rules defining "gross incompetence" as grounds for suspension or revocation of an optometrist's license as provided in section 54-1510, Idaho Code.

(12) To make, prescribe and promulgate rules governing the verification by an optometrist of the accuracy in compounding and the quality of the workmanship and materials used by any person, firm or corporation in the course of filling or compounding the optometrist's prescriptions for vision aids of any type prior to delivery by the optometrist.

(13) To make, prescribe and promulgate rules governing the issuance and release of prescriptions or copies of prescriptions by optometrists out of the office of the optometrist.

(14) To make, prescribe and promulgate rules governing the type and kind of records to be kept by each optometrist pertaining to all patients examined or for whom he has adapted optical accessories.

(15) To make, prescribe and promulgate such other rules required by this chapter or necessary or desirable for its enforcement and administration.

(16) The state board of optometry shall have the power to administer oaths, take depositions of witnesses in and out of the state of Idaho in the manner of civil cases, require the attendance of such witnesses and the production of such books, records and papers as it may desire at any hearing before it or deposition authorized by it, pertaining in any manner to any matters of which it has authority to investigate and for that purpose the board may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers directed to the sheriff of any county of the state of Idaho, where such witness resides, or may be found, which shall be served and returned in the same manner as a subpoena in a civil case is returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in civil cases. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the district court, or any judge thereof, of any county in this state in which the proceeding is held upon application of the board, to compel obedience in proceedings for contempt as in the case of disobedience of the requirements of any subpoena issued from such court or for refusal to testify therein. The licensed person accused in such proceeding shall have the same right of subpoena upon making application to the board as set out in this chapter.

(17) The state board of optometry shall have the power to hire attorneys, investigators, hearing officers or other employees for carrying out the purpose of this chapter or to promote the interests of the profession of optometry.

(18) To authorize, by written agreement, the ~~bureau of occupational division of occupational and professional~~ licenses as agent to act in its interest.

SECTION 24. That Section 54-1510, Idaho Code, be, and the same is hereby amended to read as follows:

54-1510. REVOCATION OF LICENSES -- GROUNDS. Every license issued under the provisions of this chapter shall be subject to suspension, revocation or other discipline upon any of the following grounds pursuant to the procedures set forth in chapter 52, title 67, Idaho Code. All hearings conducted pursuant to this section, whether before the board or a hearing officer, shall be held in Ada county unless otherwise designated by the board.

(1) Fraud or deception in procuring license.

(2) Practicing optometry under a false or assumed name or as a representative or agent of any person, firm or corporation other than another licensed optometrist, a physician licensed to practice medicine and surgery under chapter 18, title 54, Idaho Code, or a professional entity that has been incorporated under the authority of part 9, chapter 21, title 30, Idaho Code, by persons licensed to practice optometry under chapter 15, title 54, Idaho Code, or licensed to practice medicine and surgery under chapter 18, title 54, Idaho Code.

(3) Having been convicted or having received a withheld judgment or suspended sentence in this or any other state of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, or any act related to the qualifications, functions or duties of an optometrist.

(4) Gross incompetency.

(5) Inability to practice optometry with reasonable skill and safety by reason of:

(a) Mental illness;

(b) Physical illness including, but not limited to, physical deterioration which adversely affects cognitive, motor or perceptive skills;

(c) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substances which impair ability; or

(d) Having a communicable, contagious or infectious disease which endangers the health of patients.

(6) Failure to pay to the board or the ~~bureau of occupational division of occupational and professional~~ licenses the annual fee and to secure a renewal license, whereupon after twenty (20) days' notice by registered mail the license of such delinquent may be revoked; but the payment of such fee at or before the time of hearing, with such additional sum, not exceeding twenty-five dollars (\$25.00) as may be fixed by the board of optometry, shall excuse the default.

(7) Any practice or behavior of a character likely to deceive or defraud the public.

(8) Obtaining of any fee or compensation by fraud, deceit or misrepresentation.

(9) Employing, either directly or indirectly, any suspended or unlicensed optometrist to do optometric work.

(10) Advertising the practice of optometry in a false, misleading or deceptive manner.

(11) Employment or use of what are known as "cappers" or "steerers."

(12) Consistently accepting referrals that violate the laws of the state of Idaho.

(13) For willfully permitting or allowing or causing a person who is not a licensed optometrist or a licensed physician or surgeon to use the optometrist's prescription or optometric finding to fit contact lenses upon a person or member of the public.

(14) For violation of any of the provisions of this chapter or the rules or code of ethics made and promulgated by the state board of optometry, as authorized in section 54-1509, Idaho Code.

(15) For willfully attempting to violate, directly or indirectly, conspiring to violate, or assisting or participating in or abetting the violation of any of the provisions of this chapter or the rules or code of ethics made, prescribed or promulgated by the state board of optometry pursuant to the authority granted in this chapter.

(16) Having engaged in any conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the licensee by the patient.

(17) Having committed any act that constitutes a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code.

SECTION 25. That Section 54-1514, Idaho Code, be, and the same is hereby amended to read as follows:

54-1514. PUBLICATION OF DIRECTORY AND LAW. The ~~bureau of occupational division of occupational and professional~~ licenses shall each year make available the names and addresses of all licensed optometrists of the state of Idaho and the laws applicable to the practice of optometry.

SECTION 26. That Section 54-1518, Idaho Code, be, and the same is hereby amended to read as follows:

54-1518. BUREAU OF OCCUPATIONAL DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES -- POWERS AND DUTIES. The ~~bureau of occupational division of occupational and professional~~ licenses shall have the following powers and duties:

(1-) To accept applications for examinations and issue licenses to optometrists pursuant to requirements of this chapter.

(2-) To maintain a registry of persons licensed to practice optometry in the state of Idaho available to the members of the general public and all applicants and rejected applicants for licenses.

(3-) To forward complaints against a licensed optometrist to the state board of optometry for review and investigation.

(4-) To assist in the investigation and prosecution of complaints filed against an optometrist under section 54-1510, Idaho Code.

(5-) At the discretion of the ~~chief of the bureau~~ division administrator and upon apparent failure or refusal of the state board of optometry to investigate or prosecute a complaint against an optometrist, to investigate the complaint and forward the report of investigation to the state board of optometry, and upon apparent failure or refusal of the state board of optometry to take further action to initiate proceedings under section 54-1510, Idaho Code, against an optometrist violating the terms of this act.

SECTION 27. That Section 54-1616, Idaho Code, be, and the same is hereby amended to read as follows:

54-1616. DISPOSITION OF FUNDS. All fees received under the provisions of this chapter shall be paid to the ~~bureau of occupational division of occupational and professional~~ licenses and deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund.

SECTION 28. That Section 54-2203, Idaho Code, be, and the same is hereby amended to read as follows:

54-2203. DEFINITIONS. As used in this chapter:

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

(2) "Board" means the Idaho physical therapy licensure board.

(3) ~~"Bureau" means the bureau of occupational licenses.~~

~~(4) "Department" means the department of self-governing agencies.~~

(4) "Division" means the division of occupational and professional licenses.

(5) "Dry needling" means a skilled intervention performed by a physical therapist that uses a thin filiform needle to penetrate the skin and stimulate underlying neural, muscular and connective tissues for the evaluation and management of neuromusculoskeletal conditions, pain and movement impairments.

(6) "License" means a document issued by the board to a person under this chapter authorizing the person to practice as a physical therapist or physical therapist assistant.

(7) "Physical therapist" means a person licensed under the provisions of this chapter to engage in the practice of physical therapy.

(8) "Physical therapist assistant" means a person who meets the requirements of this chapter and who performs physical therapy procedures and related tasks that have been selected and delegated only by a supervising physical therapist.

(9) "Physical therapy" means the care and services provided by or under the direction and supervision of a physical therapist.

(10) "Practice of physical therapy" means the exercise of the profession of physical therapy by a person who engages in the following health care activities:

(a) Examining, evaluating and testing individuals with mechanical, physiological and developmental impairments, functional limitations, and disability or other health and movement-related conditions in order to determine a diagnosis for physical therapy and prognosis for physical therapy, plan of therapeutic intervention, and to assess the ongoing effects of intervention;

(b) Alleviating impairments and functional limitations by designing, implementing and modifying therapeutic interventions that include, but are not limited to: therapeutic exercise; functional mobility training in self-care and in-home, community or work reintegration; manual therapy; assistive, adaptive, protective and supportive devices and equipment; bronchopulmonary hygiene; debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction; and to reduce the risk of injury, impairment, functional limitation, and disability, including the promotion and maintenance of fitness, health, and quality of life in all age populations. The practice of physical therapy shall not include the use of radiology, surgery or medical diagnosis of disease; and

(c) Engaging in administration, consultation, testing, education and research as related to paragraphs (a) and (b) of this subsection.

(11) "Supportive personnel" means a person or persons trained under the direction of a physical therapist who performs designated and supervised routine physical therapy tasks.

SECTION 29. That Section 54-2206, Idaho Code, be, and the same is hereby amended to read as follows:

54-2206. POWERS AND DUTIES OF THE BOARD. The board shall have the authority to administer, coordinate and enforce the provisions of this chapter. Such authority shall include, but not be limited to, the power to:

(1) Evaluate the qualifications of applicants for licensure, approve and administer examinations to test the knowledge and proficiency of applicants for licensure, and approve or deny the registration and issuance and renewal of licenses and permits;

(2) Authorize all disbursements necessary to carry out the provisions of this chapter;

(3) Promulgate rules not inconsistent with the laws of this state which are necessary to carry out the provisions of this chapter;

(4) Adopt rules providing for continuing education;

(5) Obtain restraining orders and injunctions prohibiting conduct in violation of the provisions of this chapter, conduct investigations, issue subpoenas, and examine witnesses and administer oaths, concerning practices which are alleged to violate the provisions of this chapter;

(6) Suspend or revoke or otherwise sanction licensees in the manner provided in this chapter, or place a person holding a license under this chapter on probation;

(7) Require as a condition of receiving or retaining a license issued under this chapter that restitution be paid to a consumer;

(8) Require the inspection of testing equipment and facilities of persons engaging in any practice pursuant to this chapter;

(9) As the board deems reasonable, take notice of and give effect to prior licenses issued to physical therapists and physical therapist assistants in the state of Idaho by the state board of medicine and such other actions, proceedings, orders or decisions of the state board of medicine involving complaints, investigations, discipline or other matters concerning physical therapists or physical therapist assistants; and

(10) Authorize, by written agreement, the ~~bureau of occupational division of occupational and professional licenses~~ to act as its agent in its interest.

SECTION 30. That Section 54-2302, Idaho Code, be, and the same is hereby amended to read as follows:

54-2302. DEFINITIONS. Within the meaning of this chapter the following definitions apply:

(1) "Department" means the department of self-governing agencies of the state of Idaho.

(2) ~~"Bureau chief" means the chief of the bureau of occupational licenses of the state of Idaho.~~

~~(3) "Board" means the Idaho state board of psychologist examiners.~~

(3) "Division administrator" means the chief administrative officer of the division of occupational and professional licenses.

(4) "Licensed medical provider" means a physician or physician assistant licensed pursuant to chapter 18, title 54, Idaho Code, or an advanced practice registered nurse licensed pursuant to chapter 14, title 54, Idaho Code.

(5) "Person," "he" and "his" mean either male or female persons unless a contrary intention is made manifest. None of these words shall be taken to mean other than a natural person.

(6) "Psychological services" means any services to which the words "psychological," "psychologist" or "psychology" are applied by the person rendering or offering to render them or to the "practice of psychology" as defined in subsection (7) of this section.

(7) "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personnel evaluation, group relations, and behavior adjustment. The application of said principles includes, but is not restricted to, counseling and the use of psychotherapeutic measures with persons or groups to eliminate symptomatic, maladaptive or undesired behavior so as to enhance interpersonal relationships in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes, and skills; diagnosing and treating mental and emotional disorders or disabilities; and doing research on problems relating to human behavior.

(8) A person represents himself to be a psychologist when he holds himself out to the public by any title or description incorporating the words "psychological," "psychologist" or "psychology" or offers to render or renders psychological services for remuneration.

(9) "Temporary permit" means a document issued by the board to a psychologist licensed in another state authorizing the individual to practice psychology in Idaho for a limited period as set forth in this chapter and rules of the board.

SECTION 31. That Section 54-2305, Idaho Code, be, and the same is hereby amended to read as follows:

54-2305. BOARD OF PSYCHOLOGIST EXAMINERS -- POWERS. The board of psychologist examiners shall have the following powers:

(1) To pass upon the qualifications and fitness of applicants for licenses, reciprocal licenses, certification and provisional certification of prescriptive authority; and, at its option, to adopt and revise rules requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of licenses.

(2) To adopt and, from time to time, revise such rules in accordance with the provisions of chapter 52, title 67, Idaho Code, and not inconsistent with the law as may be necessary to carry into effect the provisions of this chapter. Such rules shall include, but need not be limited to, a code of ethics for psychologists in the state consistent with the current, and as future amended, ethical standards for psychologists of the American psychological association and the educational and professional qualifications of applicants for licensing under this chapter.

(3) To examine for, deny, approve, issue, revoke, suspend and renew the licenses and certifications of psychologists and psychologist applicants pursuant to this chapter, and to conduct hearings in connection therewith.

(4) To conduct hearings upon complaints concerning violations of the provisions of, and the rules adopted pursuant to, this chapter and cause the prosecution and enjoinder of all such violations.

(5) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding under this chapter to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and may apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records, and papers as it deems necessary. The fees and mileage of the witnesses shall be the same as that allowed in district courts in criminal cases, which fees and mileage shall be paid in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may

be lawfully interrogated. It shall be the duty of any district court in this state, on application by the board, to compel compliance with the subpoena by proceedings for contempt, as in the case of disobedience of the requirements of the subpoena issued from such court for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena.

(6) Proceedings before the board and judicial review of the action of the board shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(7) To authorize, by written agreement, the ~~bureau of occupational division of occupational and professional~~ licenses as agent to act in its interest.

(8) To adopt a rule requiring continuing education as a condition of continued licensure and certification.

(9) To adopt rules allowing for a temporary permit to individuals licensed as psychologists in another state authorizing such individuals to practice psychology in Idaho for a period not to exceed thirty (30) days pursuant to such terms and requirements as set forth in the rules.

(10) To establish by rule an inactive license status.

(11) To establish by rule the standards and requirements for the use of communication technology in the practice of psychology, including supervision.

(12) To establish by rule certification and provisional certification of prescriptive authority pursuant to sections 54-2316 through 54-2319, Idaho Code.

(13) To establish by rule a limited formulary or formularies for prescribing use by holders of certification and provisional certification of prescriptive authority.

SECTION 32. That Section 54-2307, Idaho Code, be, and the same is hereby amended to read as follows:

54-2307. QUALIFICATIONS FOR LICENSE -- APPLICANTS FOR WHOM AN EXAMINATION MAY BE REQUIRED. An applicant shall be qualified for a license to practice psychology provided proof satisfactory to the board has been received showing:

- (1) Acceptable moral character; and
- (2) Either one of the following:
  - (a) Graduation from an accredited college or university with a doctoral degree in psychology and two (2) years of supervised experience acceptable to the board, one (1) year of which may include a predoctoral practicum or internship and one (1) of which must be postdoctoral; or
  - (b) Graduation from an accredited college or university with a doctoral degree in a field related to psychology, provided experience and training are acceptable to the board; and
- (3) Successful passage of an examination if such examination is required by the rules duly adopted by the board; and
- (4) Receipt of a completed application accompanied by an application fee as established by board rules not to exceed three hundred dollars (\$300), and when an examination is required a processing fee of twenty-five dollars (\$25.00) payable to the ~~bureau of occupational division of occupational and professional~~ licenses. The fee for any required examination or reexamination shall be submitted directly to the national examining entity. The application fee and the processing fee are not refundable.



SECTION 33. That Section 54-2315, Idaho Code, be, and the same is hereby amended to read as follows:

54-2315. ADMINISTRATION BY BUREAU OF OCCUPATIONAL DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES -- FEE FOR RENEWAL OF LICENSE -- RENEWAL AND REINSTATEMENT. This chapter shall be administered by the ~~bureau of occupational division of occupational and professional~~ division of occupational and professional licenses. The fee for renewal of license shall be a fee as established by board rule not to exceed four hundred dollars (\$400) per annum. All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code.

SECTION 34. That Section 54-2403, Idaho Code, be, and the same is hereby amended to read as follows:

54-2403. DEFINITIONS. As used in this chapter:

(1) "Backflow assembly tester" means a person who tests backflow prevention assemblies and who holds a current Idaho backflow assembly tester license.

(2) "Backflow prevention assembly" means a set of mechanical components, which prevents the undesired backflow of water or other liquids into a potable water system, and can be in-line tested and repaired.

(3) "Board" means the state board of drinking water and wastewater professionals as provided in section 54-2404, Idaho Code.

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

~~(5)~~ "Certified" means the board has confirmed that an applicant has met all the requirements for licensure under this chapter and has approved the issuance of a license to practice in Idaho under the provisions of this chapter.

(6) "Collection system" means that portion of the wastewater system in which wastewater is received from the premises of the discharger and conveyed to the point of treatment through a series of lines, pipes, manholes, pumps/liftstations and other appurtenances.

(7) "Distribution system" means that portion of the water utility in which water is stored and conveyed from the water treatment plant or other supply point to the premises of a consumer.

(7) "Division" means the division of occupational and professional licenses.

(8) "Drinking water operator" means any person who operates public drinking water systems, water treatment plants or other systems in order to treat water so that it is safe to drink and who holds a current Idaho water system operator license.

(9) "Laboratory analyst" means any person responsible for conducting laboratory analysis tasks in the laboratory of a wastewater system.

(10) "License" means a physical document issued by the ~~bureau~~ division certifying that an individual has met the appropriate qualifications and has been granted the authority to practice in Idaho under the provisions of this chapter.

(11) "Operator" or "operating personnel" means any person who is employed, retained, or appointed to conduct the tasks associated with the day to day operation and maintenance of a public drinking water system or a public wastewater system.

(12) "Public drinking water system or public water system" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Every community and nontransient noncommunity water system, and each transient water system using a surface water source or ground water source directly influenced by surface water, shall be operated by a certified drinking water operator.

(13) "Public wastewater system or wastewater system" means those systems, including collection systems and treatment systems, that are owned by a city, county, state or federal unit of government, a nonprofit corporation, district, association, political subdivision or other public entity, or that generate or collect two thousand five hundred (2,500) or more gallons a day; or that have been constructed in whole or in part with public funds. This does not include any wastewater treatment system operated and maintained exclusively by a single family residence or any wastewater system consisting solely of a gravity flow, nonmechanical septic tank and subsurface treatment and distribution system, or industrial wastewater systems under private ownership.

(14) "Responsible charge" means active, daily, on-site, or on call responsibility, for the performance of operations or active, ongoing, on-site and on call direction of employees and assistants at a public drinking water system or a public wastewater system.

(15) "Responsible charge operator" means an operator of a public drinking water system, designated by the system owner, who holds a valid certificate at a class equal to or greater than the drinking water system classification, who is in responsible charge of the public drinking water system.

(16) "Wastewater operator" means a person who operates public wastewater systems, or public wastewater treatment plants or other systems, in order to remove harmful pollutants from domestic and industrial liquid waste so that it is safe to return to the environment, and who holds a current Idaho wastewater system operator license.

SECTION 35. That Section 54-2406, Idaho Code, be, and the same is hereby amended to read as follows:

54-2406. POWERS AND DUTIES OF BOARD. (1) It shall be the duty of the board to carry out the provisions of this chapter, review applications, conduct written examinations, charge such fees as the board deems reasonable to cover the cost of licensing, keep records of its transactions, administer disciplinary actions, and record all matters which appropriately may come before it. The board shall have the power to adopt and amend rules including, but not limited to, a code of ethics and standards of conduct that may be reasonably necessary for the proper performance of its duties and the administration of this chapter and the regulation of proceedings before the board. The board shall, by written agreement, authorize the ~~bureau of occupational division of occupational and professional~~ licenses as agent to act in its interest.

(2) The board may adopt license requirements for subcategories based on the size and type of system or for other related areas of expertise, such as backflow assembly testers for public drinking water systems.

SECTION 36. That Section 54-2407, Idaho Code, be, and the same is hereby amended to read as follows:

54-2407. FEES -- PAYMENT OF COSTS AND EXPENSES. (1) The ~~bureau of occupational~~ division of occupational and professional licenses shall collect a fee not to exceed one hundred dollars (\$100) for each application, each administration of an examination, each original license, and each annual renewal of any license issued pursuant to this chapter and shall deposit all fees in the state treasury in accordance with section 67-2608, Idaho Code. The actual fees shall be set by board rule. The ~~bureau~~ division shall also collect a fee not greater than that charged by the examination provider when an examination is required as a condition of licensure. All required fees shall not be prorated and are nonrefundable.

(2) All fees received under the provisions of this chapter shall be paid to the ~~bureau of occupational~~ division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund, and all costs and expenses incurred under the provisions of this chapter shall be charged against and paid from said fund.

SECTION 37. That Section 54-2408, Idaho Code, be, and the same is hereby amended to read as follows:

54-2408. LICENSES -- RECORDS. (1) The ~~bureau of occupational~~ division of occupational and professional licenses shall, upon the approval of the board and subject to the provisions of this chapter, register and issue licenses to persons who have been approved by the board in accordance with this chapter. The licenses shall bear on their face the seal of the state and the signature of the ~~chief~~ division administrator of the ~~bureau of occupational~~ division of occupational and professional licenses, and will be effective until the next birthday of the individual being certified. Licenses so issued shall be renewed annually in accordance with section 67-2614, Idaho Code. The provisions of sections 67-2609 through 67-2614, Idaho Code, shall apply to licenses issued pursuant to this chapter.

(2) The board shall keep and the ~~bureau~~ division shall maintain a record of board proceedings and a register of all applications that show:

- (a) The name, age, social security number and residency of each applicant;
- (b) The date of application;
- (c) The place of business of such applicant;
- (d) The educational and other qualifications of each applicant;
- (e) Whether or not an examination was required;
- (f) Whether the applicant was rejected;
- (g) Whether a license was issued;
- (h) The dates of the action by the board;
- (i) Compliance with continuing education requirements; and
- (j) Such other information as may be deemed necessary by the board.

SECTION 38. That Section 54-2412, Idaho Code, be, and the same is hereby amended to read as follows:

54-2412. REVOCATION OR SUSPENSION OF LICENSE -- POWERS OF BOARD -- PROCEDURES FOR DISCIPLINARY PROCEEDINGS. (1) The board shall have the power to revoke, suspend, refuse to issue, refuse to renew, or otherwise limit any license or certificate issued pursuant to the provisions of this chapter for any of the following:

- (a) Procuring a license or registration by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for licensure or through any form of fraud or misrepresentation;
- (b) Being convicted of a felony;
- (c) Misrepresentation, or fraudulent representation in the performance of any duty, conduct or activity regulated under this chapter;

(d) Violating the provisions of this chapter or any rules of the board or any code of conduct or ethical standards adopted by the board;

(e) Being negligent or incompetent;

(f) Failing to provide appropriate and personal supervision, if acting as the designated responsible charge operator, to any person gaining experience under the provisions of this chapter.

(2) The board shall have the power to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have power throughout the state of Idaho to require the attendance of such witnesses and the production of such books, records and papers as it may desire, relevant to any hearing before it of any matter which it has authority to investigate, and for that purpose the board may issue a subpoena for any witness or a subpoena duces tecum to compel the production of books, records or papers, directed to the sheriff of any county of the state of Idaho where such witness resides or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case.

(3) The procedures for disciplinary proceedings shall be in compliance with the Idaho administrative procedure act and the rules of the office of the attorney general and the bureau of occupational division of occupational and professional licenses.

SECTION 39. That Section 54-2808, Idaho Code, be, and the same is hereby amended to read as follows:

54-2808. POWERS AND DUTIES OF BOARD. (1) The board shall have the power to adopt and amend rules including, but not limited to, a code of ethics and standards of conduct which may be reasonably necessary for the proper performance of its duties and the administration of this chapter and the regulation of proceedings before the board. It shall adopt and have an official seal. It shall have power to provide an office, office equipment and facilities and such books and records as may be reasonably necessary for the proper performance of its duties. The board may, by written agreement, authorize the bureau of occupational division of occupational and professional licenses as agent to act in its interest.

(2) The board is authorized to enter into mutual aid agreements, interstate compacts, contracts or agreements to facilitate the practice and regulation of geology in this state.

(3) In carrying into effect the provisions of this chapter, the board, under the hand of its chairman and the seal of the board, may request the attendance of witnesses and the production of such books, records and papers as may be required at any hearing before it, and for the purpose of disciplinary matters pursuant to this chapter the board may request a district court to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers. Subpoenas shall be directed to the sheriff of any county in the state of Idaho where such witness resides or may be found. Subpoenas shall be served and returned in the same manner as subpoenas in a criminal case. The fees and mileage of the sheriff and witnesses shall be the same as that allowed in district court criminal cases, which fees and mileage shall be paid from any funds in the state treasury available therefor in the same manner as other expenses of the board are paid. Disobedience of any subpoena issued by the district court or the refusal by any witness in failing to testify concerning any matter regarding which he may lawfully be interrogated, or the failure to produce any books, records or papers, shall constitute a contempt of the district court of any county where such disobedience or refusal occurs, and said court, or any judge thereof, by proceedings for contempt in said court, may, if such contempt be found, punish said witness as in any other case of disobedience of a subpoena issued from such court or refusal to testify therein.

(4) The board is hereby authorized in the name of the state to apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce the provisions of this chapter or to restrain any violation thereof.

SECTION 40. That Section 54-2809, Idaho Code, be, and the same is hereby amended to read as follows:

54-2809. FINANCES. All fees received under the provisions of this chapter shall be paid to the ~~bureau of occupational~~ division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund.

SECTION 41. That Section 54-2903, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

(5) "Division" means the division of occupational and professional licenses.

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

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

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

(a) Air conduction threshold testing;

(b) Bone conduction threshold testing;

(c) Speech reception threshold testing;

(d) Speech discrimination testing;

(e) Most comfortable loudness level testing; and

(f) Uncomfortable loudness level testing.

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

(a) An all-in-the-ear hearing aid that continually falls out of the ear;

(b) Any hearing aid or earmold that causes inappropriate feedback, pain or discomfort to the ear within thirty (30) days of the original delivery of the hearing aid to the consumer;

(c) Fitting a consumer with impacted cerumen; or

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

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

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

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

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

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

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

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

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

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

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

SECTION 42. That Section 54-2910, Idaho Code, be, and the same is hereby amended to read as follows:

54-2910. POWERS AND DUTIES OF THE BOARD. The board shall have the authority to administer, coordinate and enforce the provisions of this chapter including, but not limited to:

(1) Evaluate the qualifications of applicants for licensure, approve and administer examinations to test the knowledge and proficiency of applicants for licensure, and approve or deny the registration and issuance and renewal of licenses and permits;

(2) Authorize all disbursements necessary to carry out the provisions of this chapter;

(3) Promulgate rules not inconsistent with the laws of this state which are necessary to carry out the provisions of this chapter including, but not limited to, ethical standards of practice;

(4) Adopt rules allowing for continuing education;

(5) Obtain restraining orders and injunctions prohibiting conduct in violation of the provisions of this chapter, conduct investigations, issue subpoenas, examine witnesses and administer oaths, concerning practices which are alleged to violate the provisions of this chapter;

(6) Suspend or revoke or otherwise sanction licenses in the manner provided in this chapter, or place a person holding a license under this chapter on probation;

(7) Require as a condition of receiving or retaining a license issued under this chapter that restitution be paid to a consumer;

(8) Require the inspection of testing equipment and facilities of persons engaging in any practice pursuant to this chapter; and

(9) Authorize, by written agreement, the ~~bureau of occupational~~ division of occupational and professional licenses to act as its agent in its interest.

SECTION 43. That Section 54-3107, Idaho Code, be, and the same is hereby amended to read as follows:

54-3107. POWERS AND DUTIES. The state certified shorthand reporters board shall have the following powers and duties:

(1) To determine the qualifications of persons applying for certificates and the renewal of a certificate under this chapter.

(2) To prescribe, administer, and approve examination of applicants applying for certificates under this chapter, including examinations that are administered electronically or online.

(3) To collect the fees and charges prescribed by this chapter.

(4) To execute and issue temporary permits and certified shorthand reporter certificates under the conditions prescribed in this chapter.

(5) To refuse to issue, refuse to renew, revoke or suspend or otherwise discipline any certificate or permit upon the grounds and in the manner prescribed by this chapter.

(6) To make rules to carry out the intent and purposes of this chapter.

(7) The board may, by written agreement, authorize the ~~bureau of occupational~~ division of occupational and professional licenses as its agent to act in its interest.

SECTION 44. That Section 54-3117, Idaho Code, be, and the same is hereby amended to read as follows:

54-3117. FINANCES. All fees received under the provisions of this chapter shall be paid to the ~~bureau of occupational~~ division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund.

SECTION 45. That Section 54-3204, Idaho Code, be, and the same is hereby amended to read as follows:

54-3204. BOARD -- POWERS AND DUTIES. The board shall have the following powers and duties:

(1) To aAdopt and amend rules to administer and carry out the provisions of this chapter and for the conduct of its affairs, provided that such rules shall be promulgated in accordance with the provisions of chapters 26 and 52, title 67, Idaho Code;

(2) To mMaintain a list of the names and addresses of all persons licensed under this chapter;

(3) At its discretion, to contract with the ~~bureau of occupational division of occupational and professional~~ licenses for those services deemed necessary for the proper administration of this chapter;

(4) To prescribe by rule the minimum amount and kind of continuing education to be required of each social worker seeking to renew a license in the state of Idaho;

(5) To establish by rule an inactive license status;

(6) To take such action as may be necessary to enforce the provisions of this chapter and to regulate the practice of social work;

(7) To review the practice of a social worker licensed pursuant to this chapter who is the subject of a complaint regarding a potential violation of the provisions of this chapter. This review may include client records, notes of the license holder and other materials related to the practice. The review will remain subject to nondisclosure according to the provisions of chapter 1, title 74, Idaho Code, unless the written consent of the client is received by the board;

(8) To establish by rule the standards and requirements for the use of communication technology in the practice of social work, including supervision.

SECTION 46. That Section 54-3212, Idaho Code, be, and the same is hereby amended to read as follows:

54-3212. REVOCATION OR SUSPENSION OF LICENSES -- HEARINGS -- TAKING TESTIMONY -- APPEAL. (1) The board shall have the power to refuse to issue, refuse to renew, revoke or suspend any license if the same was obtained through error or fraud, or if the holder thereof is shown to be incompetent, or has willfully violated any of the rules prescribed by the board, or as prescribed by this chapter; provided that, before any license shall be revoked or suspended, the holder thereof shall have written notice enumerating the charges against him and a hearing by an officer, appointed by the board or the chief division administrator of the ~~bureau of occupational division of occupational and professional~~ licenses, shall be held after notice has been served on the licensee. The provisions of chapter 52, title 67, Idaho Code, shall apply to all cases of revocation or suspension of licenses.

(2) The chief division administrator of the ~~bureau of occupational division of occupational and professional~~ licenses shall have the power to appoint, by an order in writing, any competent person to take testimony, who shall have power to administer oaths, issue subpoenas and compel the attendance of witnesses, and the decision of the board shall be based on examination of the testimony taken and the records produced. Any person whose license has been revoked may, after the expiration of two (2) years from the date of such revocation, but not before, apply for a new license.

SECTION 47. That Section 54-3309, Idaho Code, be, and the same is hereby amended to read as follows:



54-3309. BOARD POWERS AND DUTIES. The board shall have the following powers and duties:

- (a) To determine the qualifications of persons applying for licenses under this chapter;
- (b) To prescribe, administer and determine examinations and a passing grade for licenses under this chapter;
- (c) To collect and adjust fees and charges prescribed in this chapter to cover the operating expenses of the board as may become necessary from time to time;
- (d) To issue licenses for the practice of dentistry under the conditions prescribed in this chapter;
- (e) To revoke or suspend denturists' licenses in the manner prescribed by this chapter;
- (f) To administer oaths and subpoena witnesses for the purpose of carrying out the activities authorized under this chapter;
- (g) To make rules and regulations pursuant to chapter 52, title 67, Idaho Code, to carry out the intents and purposes of this chapter;
- (h) To appoint committees and chairpersons and to delegate responsibilities to them as the need arises from time to time;
- (i) To authorize, by written agreement, ~~the bureau of occupational division of occupational and professional~~ licenses to act as agent in its interest.

SECTION 48. That Section 54-3320, Idaho Code, be, and the same is hereby amended to read as follows:

54-3320. NOTICE OF BOARD ADDRESS -- PROHIBITED ACTIVITIES -- GUARANTEE ON SERVICES. (a) There shall be posted in a conspicuous area on any premises where the practice of dentistry is carried on, a notice with lettering of a size easily read by the average person and in substantially the following form:

ANY CONSUMER WHO HAS A COMPLAINT RELATING TO PRACTICES OF THIS ESTABLISHMENT MAY CONTACT THE IDAHO BOARD OF DENTISTRY .....address..... (address) with a copy to THE BUREAU OF OCCUPATIONAL LICENSING DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES .....address..... (address)

(b) No person licensed under the provisions of this chapter shall directly or indirectly:

- (1) ~~m~~Make any payment or gift to a person who has referred a patient;
- (2) ~~r~~Receive or accept any rebate, payment or gift from any person to whom a patient is referred; or
- (3) ~~e~~Engage in any form of fee-splitting or other form of sharing of remuneration, with respect to referrals.

(c) All dentist services will be unconditionally guaranteed for a period of not less than ninety (90) days.

SECTION 49. That Section 54-3401, Idaho Code, be, and the same is hereby amended to read as follows:

54-3401. DEFINITIONS. As used in this chapter:

- (1) "Board" means the Idaho state licensing board of professional counselors and marriage and family therapists.
- (2) "~~Bureau chief~~" means ~~the chief of the bureau of occupational licenses of the state of Idaho.~~
- ~~(3)~~ "Department" means the department of self-governing agencies of the state of Idaho.
- (3) "Division administrator" means the chief administrative officer of the division of occupational and professional licenses.

(4) "Licensed associate marriage and family therapist" means any person licensed under this chapter as an associate marriage and family therapist to practice marriage and family therapy under supervision as set forth in this chapter.

(5) "Licensed clinical professional counselor" means any person licensed under this chapter as a licensed clinical professional counselor to practice clinical professional counseling as set forth in this chapter.

(6) "Licensed marriage and family therapist" means any person licensed under this chapter to practice marriage and family therapy as defined in this chapter.

(7) "Licensed professional counselor" means any person licensed under this chapter to practice professional counseling as defined in this chapter.

(8) "Marriage and family therapy" means the evaluation and treatment of mental and emotional disorders, whether cognitive, affective or behavioral, within the context of marriage and family systems. Marriage and family therapy includes the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, couples and families for the purpose of treating nervous and mental disorders including, but not limited to, addictive disorders.

(9) "Practice of marriage and family therapy" means the rendering of professional marriage and family therapy services to individuals, couples and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private. A licensed associate marriage and family therapist shall only practice marriage and family therapy under supervision as established in this chapter and rules of the board. The practice of marriage and family therapy is restricted to marriage and family therapists competent in the area of practice, and in the use of such methods, techniques or modalities.

(10) "Practice of professional counseling" means the application of mental health, psychological, and human development principles in order to facilitate human development and adjustment throughout the life span; prevent, assess, and treat mental, emotional or behavioral disorders and associated distresses which interfere with mental health; conduct assessments for the purpose of establishing treatment goals and objectives; and plan, implement and evaluate treatment plans using counseling treatment interventions. The practice of professional counseling also means the application of cognitive, affective, behavioral, and systemic counseling strategies across the continuum of care. It includes principles of development, wellness and pathology that reflect a contemporary society. Such interventions are specifically implemented in the context of a professional counseling setting.

The practice of professional counseling includes, but is not limited to:

- (a) Individual, group, couples, family counseling and therapy;
- (b) Assessment;
- (c) Crisis intervention;
- (d) Treatment of persons with mental and emotional disorders including, but not limited to, addictive disorders;
- (e) Guidance and consulting to facilitate normal growth and development, including educational and career development;
- (f) Utilization of functional assessment and counseling for persons requesting assistance in adjustment to a disability;
- (g) Consulting;
- (h) Research; and
- (i) Referral.

The use of specific methods, techniques, or modalities within the practice of professional counseling is restricted to professional counselors appropriately trained in the use of such methods, techniques or modalities.

(11) "Supervised experience" and "experience under supervision" means a face-to-face process by which an approved supervisor facilitates the professional growth of a supervisee and monitors the supervisee's clinical performance. A supervisor provides professional direction to help the supervisee attain knowledge, improve case conceptualization and process skills, address personal issues as it pertains to clinical work, and strengthen professional development, ethics and boundary-setting as the supervisee provides clinical services to clients. A supervisor monitors the supervisee's clinical performance through direct and indirect observation of the services delivered by the supervisee, such as audio or video recordings, live supervision and other methods of observation of services.

SECTION 50. That Section 54-3404, Idaho Code, be, and the same is hereby amended to read as follows:

54-3404. IDAHO STATE LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS -- POWERS. The board shall have the following powers:

(1) To regulate the practice of professional counselors, clinical professional counselors, associate marriage and family therapists and marriage and family therapists in the state of Idaho.

(2) To pass upon the qualifications and fitness of applicants for licenses and to adopt rules requiring annual continuing education as a condition for the renewal of licenses issued under this chapter.

(3) To adopt and from time to time revise such rules as may be necessary to carry into effect the provisions of this chapter. Such rules shall include, but not be limited to, a code of ethics for professional counselors and a code of ethics for marriage and family therapists in the state, which shall be adopted in compliance with chapter 52, title 67, Idaho Code.

(4) To review the practice of professional counselors, clinical professional counselors, associate marriage and family therapists and marriage and family therapists licensed under this chapter and charged with a violation of the provisions of this chapter. This review may include the notes of the license holder and other materials related to the practice. The review will remain subject to disclosure according to chapter 1, title 74, Idaho Code, unless the written consent of the client is received by the board.

(5) To establish a peer review system whereby each license holder's practice may be reviewed to ensure continuing practice in an appropriate and ethical manner.

(6) To examine for, deny, approve, issue, revoke, suspend and renew the licenses of applicants pursuant to this chapter, and to conduct hearings in connection therewith.

(7) To conduct hearings to suspend or revoke licenses for violations of the law and rules adopted pursuant to this chapter and cause the prosecution and enjoinder of all such violations.

(8) In any proceeding before the board authorized by this chapter, the board or its designee may administer oaths or affirmations to witnesses appearing before it.

(9) To authorize, by written agreement, the chief division administrator of the bureau of occupational division of occupational and professional licenses as agent to act in its interest.

(10) To provide, by rule, licensed professional counselor, licensed clinical professional counselor, licensed associate marriage and family therapist and licensed marriage and family therapist specialty standards.

(11) To establish by rule the standards and requirements for the use of communication technology in the practice of counseling and marriage and family therapy, including supervision.

SECTION 51. That Section 54-3413, Idaho Code, be, and the same is hereby amended to read as follows:

54-3413. ~~ADMINISTRATION BY BUREAU OF OCCUPATIONAL~~ THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES. This chapter shall be administered by the ~~bureau of occupational division of occupational and professional licenses~~.

SECTION 52. That Section 54-3414, Idaho Code, be, and the same is hereby amended to read as follows:

54-3414. ~~POWERS AND DUTIES OF BUREAU OF OCCUPATIONAL~~ THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES. The ~~bureau of occupational division of occupational and professional licenses~~ shall have the following powers and duties:

(1) To accept applications for and issue licenses to professional and clinical professional counselors, associate marriage and family therapists, and marriage and family therapists pursuant to requirements of this chapter.

(2) To maintain in a registry appropriate for that purpose a public record of all applications for licenses, the action of the department thereon, of all licenses issued and of all licenses revoked or forfeited with the reasons for such revocation or forfeiture and of all renewals.

(3) To forward complaints against a licensed professional counselor, a licensed clinical professional counselor, a licensed associate marriage and family therapist or a licensed marriage and family therapist to the state licensing board for review and investigation.

(4) To assist in the investigation and prosecution of complaints filed against a licensed professional counselor, a licensed clinical professional counselor, a licensed marriage and family therapist or a licensed associate marriage and family therapist under section 54-3408, Idaho Code.

(5) At the discretion of the ~~chief of the bureau~~ division administrator and upon apparent failure or refusal of the state licensing board to investigate or prosecute a complaint against a licensed professional counselor, a licensed clinical professional counselor, a licensed marriage and family therapist or a licensed associate marriage and family therapist, to investigate the complaint and forward the report of investigation to the state licensing board and upon apparent failure or refusal of the state licensing board to take further action, to file an action in the district court under section 54-3408, Idaho Code, against a licensed professional counselor, a licensed clinical professional counselor, a licensed marriage and family therapist or a licensed associate marriage and family therapist violating the terms of this chapter.

SECTION 53. That Section 54-3702, Idaho Code, be, and the same is hereby amended to read as follows:

54-3702. DEFINITIONS. As used in this chapter:

(1) "Association" means the Idaho occupational therapy association.

(2) "Board" means the occupational therapy licensure board of Idaho as set out in section 54-3717, Idaho Code.

(3) ~~"Bureau" means the bureau of occupational licenses.~~

~~(4) "Department" means the department of self-governing agencies.~~

(4) "Division" means the division of occupational and professional licenses.

(5) "Good standing" means the individual's license is not currently suspended or revoked by any state regulatory entity.

(6) "Graduate occupational therapist" means a person who holds a certificate of graduation from an approved occupational therapy curriculum, who has submitted a completed application for certification by examination, and who may practice occupational therapy in association with and under the supervision of an occupational therapist and under authority of a limited permit.

(7) "Graduate occupational therapy assistant" means a person who holds a certificate of graduation from an approved occupational therapy assistant curriculum, who has submitted a completed application for licensure by examination under this chapter and is performing the duties of occupational therapy assistant in association with and under the supervision of an occupational therapist and under the authority of a limited permit.

(8) "License" means a document issued by the board to a person under this chapter authorizing the person to practice as an occupational therapist or occupational therapy assistant.

(9) "Occupational therapist" means a person licensed under this chapter to practice occupational therapy.

(10) "Occupational therapy" means the care and services provided by or under the direction and supervision of an occupational therapist.

(11) "Aide in the delivery of occupational therapy services" means a person who is not licensed by the board and who provides supportive services to occupational therapists and occupational therapy assistants. An aide shall function only under the guidance, responsibility and line of sight supervision of the licensed occupational therapist or an occupational therapy assistant who is appropriately supervised by an occupational therapist. The aide provides only specifically selected client-related or nonclient-related tasks for which the aide has been trained and has demonstrated competence.

(12) "Occupational therapy assistant" means a person licensed under this chapter to practice occupational therapy and who works under the supervision of an occupational therapist.

(13) "Practice of occupational therapy" means the therapeutic use of everyday life activities (occupations) with individuals or groups for the purpose of participation in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for the purpose of promoting health and wellness and to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory, and other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect health, well-being and quality of life. The practice of occupational therapy includes:

(a) Development of occupation-based plans, methods or strategies selected to direct the process of interventions such as:

(i) Establishment, remediation, or restoration of a skill or ability that has not yet developed or is impaired.

(ii) Compensation, modification, or adaptation of activity or environment to enhance performance.

(iii) Maintenance and enhancement of capabilities without which performance in everyday life activities would decline.

(iv) Health promotion and wellness to enable or enhance performance in everyday life activities.

(v) Prevention of barriers to performance, including disability prevention.

(b) Evaluation of factors affecting a client's occupational performance areas of activities of daily living (ADL), instrumental activities of daily living (IADL), rest and sleep, education, work, play, leisure, and social participation, including:

- (i) Client factors, including body functions (such as neuromuscular, sensory, visual, perceptual, cognitive), values, beliefs, and spirituality, and body structures (such as cardiovascular, digestive, integumentary, genitourinary systems).
  - (ii) Performance patterns, including habits, routines, roles, and behavior patterns.
  - (iii) Contexts and activity demands that affect performance, including cultural, physical, environmental, social, virtual and temporal.
  - (iv) Performance skills, including sensory perceptual skills, motor and praxis skills, emotional regulation skills, cognitive skills, communication and social skills.
- (c) Interventions and procedures to promote or enhance safety and performance in activities of daily living (ADL), instrumental activities of daily living (IADL), education, work, play, leisure, and social participation, rest and sleep, including:
- (i) Therapeutic use of occupations, exercises, and activities.
  - (ii) Training in self-care, self-management, home management, and community/work reintegration.
  - (iii) Development, remediation, or compensation of physical, cognitive, neuromuscular, sensory functions and behavioral skills.
  - (iv) Therapeutic use of self, including one's personality, insights, perceptions, and judgments, as part of the therapeutic process.
  - (v) Education and training of individuals, including family members, caregivers, and others.
  - (vi) Care coordination, case management, and transition services.
  - (vii) Consultative services to groups, programs, organizations, or communities.
  - (viii) Modification of environments (home, work, school, or community) and adaptation of processes, including the application of ergonomic principles.
  - (ix) Assessment, design, fabrication, application, fitting, and training in assistive technology, adaptive devices, orthotic devices, and prosthetic devices.
  - (x) Assessment, recommendation, and training in techniques to enhance functional mobility, including wheelchair management.
  - (xi) Driver rehabilitation and community mobility.
  - (xii) Management of feeding, eating, and swallowing to enable eating and feeding performance.
  - (xiii) Application of superficial, thermal and mechanical physical agent modalities, and use of a range of specific therapeutic procedures (such as basic wound management; techniques to enhance sensory, perceptual, and cognitive processing; therapeutic exercise techniques to facilitate participation in occupations) to enhance performance skills.
  - (xiv) Use of specialized knowledge and skills as attained through continuing education and experience for the application of deep thermal and electrotherapeutic modalities, therapeutic procedures specific to occupational therapy and wound care management for treatment to enhance participation in occupations as defined by rules adopted by the board.
- (d) Engaging in administration, consultation, testing, education and research as related to paragraphs (a), (b) and (c) of this subsection and further established in rule.

SECTION 54. That Section 54-3717, Idaho Code, be, and the same is hereby amended to read as follows:

54-3717. OCCUPATIONAL THERAPY LICENSURE BOARD OF IDAHO -- POWERS AND DUTIES. (1) The licensure board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications, and approve the examinations for licensure under this chapter, and may issue subpoenas, examine witnesses, and administer oaths, and may investigate practices that are alleged to violate the provisions of this chapter.

(2) The licensure board shall adopt rules and regulations, pursuant to chapter 52, title 67, Idaho Code, relating to professional conduct to carry out the policy of this chapter including, but not limited to, regulations relating to professional licensure and to the establishment of ethical standards of practice, disciplinary proceedings, license suspension proceedings, or license revocation proceedings for persons holding a license to practice occupational therapy in this state.

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

(4) Authorize, by written agreement, the ~~bureau of occupational~~ division of occupational and professional licenses to act as its agent in its interests as set out in the written agreement.

(5) Communicate disciplinary actions to relevant state and federal authorities, the national board for certification in occupational therapy (NBCOT), the American occupational therapy association (AOTA) and to other state occupational licensing authorities.

(6) Adopt rules requiring continuing education for the renewal of a license.

SECTION 55. That Section 54-3719, Idaho Code, be, and the same is hereby amended to read as follows:

54-3719. DISPOSITION OF RECEIPTS -- EXPENSES. All fees received under the provisions of this chapter shall be paid to the ~~bureau of occupational~~ division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund.

SECTION 56. That Section 54-4007, Idaho Code, be, and the same is hereby amended to read as follows:

54-4007. POWERS AND DUTIES OF THE BOARD. The board shall have the authority to:

(1) Determine the qualifications of persons applying for licensure pursuant to this chapter and to define, by rule, the appropriate scope of massage therapy in this state, provided however, that the scope of practice may not exceed that defined in section 54-4002(7), Idaho Code;

(2) Authorize, by written agreement, the ~~bureau of occupational~~ division of occupational and professional licenses as agent to act in its interest;

(3) Promulgate such rules as are necessary for the administration of this chapter, including standards of professional conduct;

(4) Conduct investigations and hold hearings and compel the attendance of witnesses and the production of papers at such investigations or hearings;

(5) Collect fees and other funds as prescribed by this chapter;

(6) Contract and pursue other matters lawful in this state relating to massage therapy;

(7) Provide such other services and perform such other functions as are necessary and desirable to fulfill its purposes;

(8) Establish requirements for renewal of license and approval of continuing education courses as set forth in section 67-2614, Idaho Code;

(9) Establish rules for the approval of massage therapy entry-level educational standards but must remain consistent with curriculum requirements in this chapter, or rules promulgated pursuant thereto;

(10) Establish requirements for a student tuition credit program; and

(11) Establish requirements for a temporary license and provisional permit.

The registration of massage schools shall remain with the state board of education in accordance with chapter 24, title 33, Idaho Code.

SECTION 57. That Section 54-4008, Idaho Code, be, and the same is hereby amended to read as follows:

54-4008. FEES. (1) All fees received under the provisions of this chapter shall be paid to the department of self-governing agencies, bureau of ~~occupational~~ division of occupational and professional licenses, and deposited in the state treasury to the credit of the occupational licenses fund. All costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund. In no case shall any salary, expense or other obligation of the board be charged against the general fund.

(2) The board, by rule, may impose fees not to exceed two hundred dollars (\$200) annually per fee to provide for the administration of this section including, but not limited to, the following:

(a) Original license fee;

(b) Application fee;

(c) License renewal fee;

(d) License by endorsement;

(e) Duplicate license; and

(f) Reinstatement fee.

SECTION 58. That Section 54-4113, Idaho Code, be, and the same is hereby amended to read as follows:

54-4113. FEES -- ISSUANCE OF LICENSES OR CERTIFICATES. (1) Every person applying for examination or reexamination under this chapter shall pay a fee equal to that charged by the national examining entity. If the result of the examination of any applicant shall be satisfactory to the board, under its rules, it shall issue to such applicant a license or certificate setting forth the fact that he is a state-licensed or state-certified real estate appraiser and authorized to practice his profession in this state. The fee for obtaining a license or certificate under the provisions of this chapter shall be an amount not to exceed five hundred dollars (\$500). The annual fee for renewal or reinstatement of a license or certificate shall be an amount not to exceed five hundred dollars (\$500), which shall be paid to the bureau division of occupational and professional licenses. The board shall adopt all fees by rule.

(2) In addition to those fees described in this chapter, the board may collect from applicants for licensure or certification and holders of state licenses or certificates of appraisal and remit to the appropriate agency or instrumentality of the federal government any additional fees as may be required to render Idaho state-licensed residential, state-certified residential and general real estate appraisers eligible to perform appraisals in connection with federally related transactions.



(3) In addition to those fees described in this chapter, the board may collect from an applicant for appraisal management company registration and from a registered appraisal management company and remit to the appropriate agency or instrumentality of the federal government any additional fees required to provide appraisal management services in connection with federally related transactions.

(4) The board may collect continuing education provider application fees in an amount not to exceed one hundred dollars (\$100) as established by board rule.

(5) All fees received by the board under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational licenses fund in the dedicated fund, and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the fund for such purposes. The fees collected under this chapter shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding.

SECTION 59. That Section 54-4132, Idaho Code, be, and the same is hereby amended to read as follows:

54-4132. ADDITIONAL POWERS OF THE BOARD. In addition to the powers conferred elsewhere in this chapter, the board shall have the power under this act, in relation to appraisal management companies, to:

(1) Authorize by written agreement the ~~bureau of occupational~~ division of occupational and professional licenses to act as its agent, to act in its interest and, in its discretion, to contract with the ~~bureau of occupational division of occupational and professional~~ licenses for those services deemed necessary for the proper administration of this act;

(2) Adopt, pursuant to the administrative procedure act, rules that are consistent with the provisions of this act and are not in conflict with state or federal law that may be reasonably necessary to implement, administer and enforce the provisions of this act;

(3) Conduct investigations into violations of this act;

(4) Receive applications for and approve registration of appraisal management companies pursuant to the provisions of this act;

(5) Hold meetings and hearings at such times as it may designate;

(6) Collect, deposit and disburse application and other fees and income;

(7) Collect the actual costs and fees, including attorney's fees, incurred by the board in the investigation and prosecution of an AMC upon the finding of a violation of this act or a rule adopted or an order issued by the board under this act. Provided, however, that the assessment of costs and fees against or in favor of a licensee under this chapter shall be governed by the provisions of section 12-117(5), Idaho Code;

(8) Take such action as may be necessary to enforce the provisions of this act and to regulate appraisal management companies;

(9) Report an AMC's violation of applicable appraisal-related laws, regulations or orders, as well as disciplinary and enforcement actions or other relevant information about an AMC's operations to state and federal agencies; and

(10) Require new applicants, owners or designated controlling persons for each new applicant to submit to a satisfactory fingerprint-based criminal history check of the Idaho central criminal database and the federal bureau of investigation criminal history database and to collect fees from applicants for the cost of such background checks.

SECTION 60. That Section 54-4405, Idaho Code, be, and the same is hereby amended to read as follows:

54-4405. ADMINISTRATIVE RULES. Pursuant to the provisions of chapter 52, title 67, Idaho Code, the ~~bureau of occupational~~ division of occupational and professional licenses may promulgate such rules as are necessary to properly administer the addition of health care related boards as provided in section 54-4401, Idaho Code.

SECTION 61. That Section 54-4705, Idaho Code, be, and the same is hereby amended to read as follows:

54-4705. BOARD OF ACUPUNCTURE -- POWERS AND DUTIES -- FUNDS. (1) The board shall have the authority to:

- (a) Determine the qualifications of persons applying for licensure, certification and acupuncture trainee permits pursuant to this chapter and define, by rule, the appropriate scope of acupuncture services that may be rendered to the public in this state;
- (b) Hire or appoint employees, including an executive director, investigators, attorneys, consultants and independent hearing examiners;
- (c) Establish, pursuant to the administrative procedure act, such rules as are necessary for the administration of this chapter, including standards for professional conduct that reflect current practice standards and promote inclusion of innovations and advances in acupuncture;
- (d) Conduct investigations and examinations and hold hearings;
- (e) Collect fees and other funds as prescribed by this chapter;
- (f) Contract, sue and be sued, and pursue other matters lawful in this state;
- (g) Provide such other services and perform such other functions as are necessary and desirable to fulfill its purposes;
- (h) Adopt rules requiring continuing education as a condition of continued licensure or certification.

(2) All fees received under the provisions of this chapter shall be paid to the ~~bureau of occupational~~ division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund.

SECTION 62. That Section 54-5017, Idaho Code, be, and the same is hereby amended to read as follows:

54-5017. PERMITS -- APPLICATION -- FEES. (1) On and after January 1, 2005, any person, firm, partnership, company, association or corporation entitled to receive a permit, shall make application to the board on a form provided by the board. The application shall require a description of the work proposed to be done, the location, ownership and use of the premises.

(2) Until fees are established by rule of the board, the following fees shall be paid:

- (a) Residential single and duplex family dwelling, a fifty dollar (\$50.00) base permit fee plus an inspection fee of:
  - (i) Thirty-five dollars (\$35.00) for the first furnace, furnace-air conditioner combination, heat pump, air conditioner, evaporative cooler, unit heater, space heater, decorative gas-fired appliance, incinerator, boiler, pool heater, and similar fixtures or appliances, plus
  - (ii) Fifteen dollars (\$15.00) for any additional furnace, furnace-air conditioner combination, heat pump, air conditioner, evaporative cooler, unit heater, space heater, decorative gas-fired appliance, incinerator, boiler, pool heater, and similar fixtures or appliances. Fee includes ducts, vents and flues attached thereto.

(iii) Fifteen dollars (\$15.00) for the first exhaust or ventilation duct such as dryer vents, range hood vents, cook stove vents, bath fan vents, and similar exhaust and ventilation ducts, plus  
(iv) Five dollars (\$5.00) for any additional exhaust and ventilation ducts.

(v) Fifteen dollars (\$15.00) for the first fixture or appliance outlet of the fuel gas piping system, plus

(vi) Five dollars (\$5.00) for any additional outlets of the fuel gas piping system.

(b) Multifamily, commercial, institutional, industrial and all other installations, a fifty dollar (\$50.00) base permit fee for each building, plus an inspection fee based on the selling price of the completed installation including equipment, appliances, piping systems, materials, and labor of:

(i) Three percent (3%) of the value of the installation through twenty thousand dollars (\$20,000), plus

(ii) Two percent (2%) of the value of installation in excess of twenty thousand dollars (\$20,000) through one hundred thousand dollars (\$100,000), plus

(iii) One percent (1%) of the value of the installation in excess of one hundred thousand dollars (\$100,000) through two hundred thousand dollars (\$200,000), plus

(iv) One-half percent (1/2%) of the value of the installation in excess of two hundred thousand dollars (\$200,000).

(c) Plan check and technical service, a fifty dollar (\$50.00) minimum fee plus fifty dollars (\$50.00) per hour.

(d) Additional and reinspections, a fifty dollar (\$50.00) minimum fee plus an additional fifty dollars (\$50.00) per hour before approval of the installation if the following services are necessary:

(i) Trips to inspect when the permittee had given notice to the inspector that the work was ready for inspection when it was not, or if the permittee has not clearly given the location of the installation either by directions or maps, or if the inspector cannot gain access to make the inspection;

(ii) Trips to inspect corrections required by the inspector as a result of the permittee improperly responding to a corrective notice;

(iii) Each trip necessary to remove a red tag from the job site;

(iv) When corrections have not been made in the prescribed time, unless an extension has been requested and granted.

(3) Expiration of permits. Every permit issued by the ~~HVAC~~ bureau division of occupational and professional licenses or authority having jurisdiction<sub>7</sub> shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred eighty (180) days. A permit may be renewed for an additional year upon receiving approval from the ~~bureau~~ division of occupational and professional licenses or authority having jurisdiction<sub>7</sub> and a fifty-dollar (\$50.00) renewal fee.

(4) No permit. Failure to acquire, post and send permit and to pay required fees in the prescribed time may result in the assessment of a double fee. Any additional offenses within a twelve (12) month period for failure to acquire, post and send permit and to pay required fees in the prescribed time shall result in the assessment of a triple fee.

SECTION 63. That Section 54-5203, Idaho Code, be, and the same is hereby amended to read as follows:

54-5203. DEFINITIONS. As used in this chapter:

(1) "Board" means the Idaho contractors board as created in section 54-5206, Idaho Code.

(2) ~~"Bureau chief" means the chief of the bureau of occupational licenses.~~

~~(3) "Construction" means the performance of building, altering, repairing, adding to, subtracting from, improving, reconstructing, moving, excavating, wrecking or demolishing any building, highway, road, bridge, or other structure, project, development or improvement to real property, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith.~~

(43) "Contractor" means:

(a) Any person who in any capacity undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to, or does himself or by or through others, perform construction; or

(b) A construction manager who performs construction management services.

(54) "Department" means the department of self-governing agencies of the state of Idaho.

(5) "Division administrator" means the chief administrative officer of the division of occupational and professional licenses.

(6) "Person" means any individual, firm, partnership, limited liability company, limited liability partnership, corporation, trust, association or other entity or organization capable of conducting business, or any combination thereof acting as a unit.

SECTION 64. That Section 54-5207, Idaho Code, be, and the same is hereby amended to read as follows:

54-5207. GENERAL POWERS AND DUTIES OF THE BOARD. The board shall enforce the minimum standards and requirements therefor as provided by this chapter and by rule adopted by the board. The board may exercise such powers and duties as are reasonably necessary to carry out the provisions of this chapter and it may, among other things:

(1) Accept or reject applications for registration and establish the fees to be charged for application, registration and renewal, subject to the provisions of this chapter;

(2) Hold public meetings and attend or be represented at such meetings, within or without the state, prepare and publish rules pertaining to this chapter and such other information as may be necessary, and furnish copies thereof to those engaged in the business, trade, practice or work of contracting and to the public upon request;

(3) Furnish standards and procedures and prescribe reasonable rules for applications, qualifications and registration of contractors, including proration of registration fees and staggering initial annual registration; and

(4) Under such rules as it may adopt, investigate, classify and determine the qualifications of applicants for registration pursuant to this chapter; and

(5) Contract with the bureau of occupational division of occupational and professional licenses to provide administrative services.

SECTION 65. That Section 54-5212, Idaho Code, be, and the same is hereby amended to read as follows:

54-5212. DISPOSITION OF RECEIPTS -- EXPENSES. All fees received under the provisions of this chapter shall be paid to the ~~bureau of occupational~~ division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund.

SECTION 66. That Section 54-5303, Idaho Code, be, and the same is hereby amended to read as follows:

54-5303. DEFINITIONS. (1) "Board" means the liquefied petroleum gas safety board.

(2) ~~"Bureau" means the bureau of occupational licenses.~~

~~(3) "Department" means the department of self-governing agencies.~~

(3) "Division" means the division of occupational and professional licenses.

(4) "Good moral character" means the absence of any behavior that violates accepted standards of the community including, but not limited to:

(a) Conviction or plea of guilty to a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code;

(b) Habitual use of drugs or intoxicants to such a degree as to render a person unfit and unreliable to practice;

(c) Revocation or suspension or other restriction of any license or certificate in any state in the previous five (5) years; and

(d) Failure to pay final judgments in any state in the previous seven (7) years.

(5) "License" means a physical document issued by the ~~bureau~~ division certifying that a person or facility has met the appropriate qualifications and has been granted the authority to practice or operate in Idaho under the provisions of this chapter.

(6) "Liquefied petroleum gas" or "LPG" or "LP-Gas" means any material that is composed predominantly of or by the mixture of any of the following hydrocarbons: propane, propylene, butanes, isobutanes and butylenes.

(7) "LPG facility" means any facility at a fixed location licensed pursuant to this chapter whose activities include selling, filling, refilling, or commercial handling or commercial storage of LPG.

(8) "LPG dealer" means any person licensed pursuant to this chapter who engages in LPG dealer practice.

(9) "LPG dealer practice" means a person engaging in the selling, filling, refilling, transporting, delivering, or commercial handling of LPG, or engaging in the installation or maintenance of systems, equipment, pipes or containers for the use or storage of LPG.

(10) "LPG code" means the liquefied petroleum gas code adopted by the national fire protection association, inc., commonly known as NFPA 58.

SECTION 67. That Section 54-5308, Idaho Code, be, and the same is hereby amended to read as follows:

54-5308. FACILITY LICENSE -- EQUIPMENT -- INSPECTIONS -- FEES. (1) The board shall issue a facility license to any person, corporation, partnership, trust, association or other legal entity to operate at specific locations only. No facility license shall be transferable, but an applicant may make application for more than one (1) facility license as long as all of the requirements are met for each license individually. Except as herein otherwise provided, the following shall be considered minimum requirements for a facility license:

(a) That the applicant is lawfully entitled to do business within the United States;

(b) That the applicant has not been refused a license for a facility, or its equivalent, or had a personal or facility license revoked in Idaho or in any other state;

(c) That the applicant has designated the name under which the facility will operate and has designated a specific location for which the facility license is to be issued;

(d) For a facility with a storage capacity of four thousand one (4,001) gallons or more, that the applicant has at least one (1) dealer licensed under this chapter who is a resident of the state of Idaho and who is, and will be, responsible for the operation of the facility;

(e) That the applicant has filed an application and paid the required filing fee;

(f) That the applicant's facility meets the requirements of the LPG code, except as designated by the board by rule;

(g) All applications for facility licenses are in writing and contain the name of the applicant, the address, and location of the facility and a description of the type of structure and equipment to be used in the operation of the facility and such further information as may be required by the board to ensure the safe operation of the facility and its compliance with the requirements of this chapter;

(h) The person responsible for the operation of a facility maintains such records documenting the storage, transportation, dispensation and utilization of LPG as may be required by the laws of the state of Idaho and the rules adopted by the board;

(i) In the event a licensed facility ceases to have a licensed dealer in its employ responsible for operation of the facility, all operation involving practices regulated under this chapter shall cease and written notification of such fact shall be submitted immediately to the board. In the event a licensed facility fails to have a licensed dealer in its employ responsible for the facility within thirty (30) days of said notice, the facility license shall be summarily suspended until a licensed dealer is so employed; and

(j) A certificate issued by an insurance company authorized to do business in the state of Idaho as proof that the applicant has procured and has in effect a general liability policy in the sum of not less than one million dollars (\$1,000,000) single limit.

(2) The board may adopt rules setting forth minimum general standards covering the design, construction, location, installation and operation of systems, equipment, pipes and containers for storing, handling, transporting by tank truck or tank trailer, and using liquefied petroleum gases and specifying the odorization of the gases and the degree thereof.

(3) The board shall adopt inspection rules regarding LPG facilities.

(4) ~~The bureau of occupational~~ division of occupational and professional licenses shall collect a fee not to exceed five hundred dollars (\$500) for each application, each original license and each annual renewal of any facility license issued pursuant to this chapter and shall deposit all fees in the state treasury in accordance with section 67-2608, Idaho Code. The actual fees shall be set by board rule. Fees paid under the provisions of this chapter shall not be refunded unless otherwise specified herein.

SECTION 68. That Section 54-5310, Idaho Code, be, and the same is hereby amended to read as follows:

54-5310. POWERS AND DUTIES OF THE BOARD. The powers and duties of the board are as follows, to:

(1) Authorize all disbursements necessary to carry out the provisions of this chapter;

(2) Approve and administer qualifying examinations to test the knowledge and competence of applicants for a license;

(3) Supervise the approval and issuance of licenses as provided in this chapter, and to license persons who apply to the board and who are qualified pursuant to this chapter;

(4) Renew licenses to persons who apply to the board and who are qualified pursuant to this chapter;

(5) Accept complaints and conduct investigations concerning alleged violations of the provisions of this chapter;

(6) Require and conduct inspections of facilities licensed pursuant to this chapter;

(7) Conduct disciplinary proceedings and take such action as may be appropriate for any violation of this chapter;

(8) Authorize, by written agreement, the ~~bureau of occupational~~ division of occupational and professional licenses as agent to act in its interest;

(9) Impose reasonable costs, investigative expenses and attorney's fees incurred in enforcing the provisions of this chapter upon a licensee found to have violated one (1) or more provisions of this chapter;

(10) Enforce all provisions of this chapter and board rules including, but not limited to, issuing subpoenas, and obtaining restraining orders and injunctions prohibiting conduct in violation of the provisions of this chapter; and

(11) Make and publish rules not inconsistent with the laws of this state which are necessary to carry out the provisions of this chapter. The rules relating to safety in the storage, distribution, dispensing, transporting and utilization of LPG in this state and in the manufacture, fabrication, assembly, sale, installation and use of LPG systems, piping, containers, apparatus or appliances shall be just and reasonable and shall conform, except as established by board rule, to the standards of the LPG code relating to the design, construction, installation and use of systems, piping, containers, apparatus, appliances and pertinent equipment for the storage, transportation, dispensation and utilization of LPG.

SECTION 69. That Section 54-5313, Idaho Code, be, and the same is hereby amended to read as follows:

54-5313. LICENSES -- RECORDS -- FEES -- PAYMENT OF COSTS AND EXPENSES. (1) The ~~bureau of occupational~~ division of occupational and professional licenses shall, upon the approval of the board and subject to the provisions of this chapter, register and issue licenses to persons who have been approved by the board in accordance with this chapter. The licenses shall bear on their face the seal of the state and the signature of the ~~chief~~ division administrator of the ~~bureau of occupational~~ division of occupational and professional licenses and shall be effective until the next birthday of the person being licensed. Licenses so issued shall be renewed annually in accordance with section 67-2614, Idaho Code. The provisions of sections 67-2609 through 67-2614, Idaho Code, shall apply to licenses issued pursuant to this chapter.

(2) The board shall keep and the ~~bureau~~ division shall maintain a record of board proceedings and a register of all applications that show:

- (a) The name, age, social security number and residency of each applicant;
- (b) The date of application;
- (c) The place of business of such applicant;
- (d) The educational and other qualifications of each applicant;
- (e) Whether or not an examination was required;
- (f) Whether the applicant was denied;
- (g) Whether a license was issued;
- (h) The dates of the action by the board;
- (i) Compliance with continuing education requirements; and
- (j) Such other information as may be deemed necessary by the board.

(3) The ~~bureau of occupational~~ division of occupational and professional licenses shall collect a fee not to exceed two hundred dollars (\$200) for each application, each original license, and each annual renewal of any license issued pursuant to this chapter and shall deposit all fees in the state treasury in accordance with section 67-2608, Idaho Code. The actual fees shall be set by board rule. The ~~bureau~~ division shall also collect a fee equal to that charged by the examination provider when an examination is required as a condition of licensing. Fees paid under the provisions of this chapter shall not be refunded unless otherwise specified herein.

(4) All fees received under the provisions of this chapter shall be paid to the ~~bureau of occupational~~ division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund, and all costs and expenses incurred under the provisions of this chapter shall be charged against and paid from said fund.

SECTION 70. That Section 54-5315, Idaho Code, be, and the same is hereby amended to read as follows:

54-5315. REVOCATION OR SUSPENSION OF LICENSE -- PROCEDURES FOR DISCIPLINARY PROCEEDINGS. (1) The board shall have the power to refuse to issue a license, or revoke, suspend, refuse to renew, or otherwise sanction any license issued pursuant to the provisions of this chapter for any of the following:

- (a) Procuring a license or registration by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for a license or through any form of fraud or misrepresentation;
- (b) Being convicted of a felony;
- (c) Misrepresentation or fraudulent representation in the performance of any duty, conduct or activity regulated under this chapter;
- (d) Violating the provisions of this chapter or any rules of the board or any code of conduct or ethical standards adopted by the board;
- (e) Being incompetent;
- (f) Failing to provide appropriate and personal supervision, if acting as the designated supervisor, to any person gaining experience under the provisions of this chapter.

(2) The board shall have the power to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have power throughout the state of Idaho to require the attendance of such witnesses and the production of such books, records and papers as it may desire, relevant to any hearing before it of any matter which it has authority to investigate, and for that purpose the board may issue a subpoena for any witness or a subpoena duces tecum to compel the production of books, records or papers, directed to the sheriff of any county of the state of Idaho where such witness resides or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case.



(3) The procedures for disciplinary proceedings shall be in compliance with the Idaho administrative procedure act and the rules of the office of the attorney general and the bureau of occupational division of occupational and professional licenses.

SECTION 71. That Section 54-5402, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

SECTION 72. That Section 54-5404, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(3) All fees are nonrefundable.

SECTION 73. That Section 54-5406, Idaho Code, be, and the same is hereby amended to read as follows:

54-5406. DRIVING INSTRUCTORS -- REQUIREMENTS. (1) Each person applying for a driving instructor license must complete an application provided by the bureau of occupational division of occupational and professional licenses that requires the applicant to be at least twenty-one (21) years of age, have a high school diploma or equivalent, a valid driver's license and a satisfactory driving record from the jurisdiction from which the license was issued, a satisfactory fingerprint-based criminal history check of the Idaho central criminal database and the federal bureau of investigation criminal history database, a medical certificate and any required completed

coursework. Licensees shall certify that they hold a current medical certificate at the time of license renewal.

(2) Every new applicant for a license pursuant to this chapter shall have completed a board-approved apprenticeship training program of no fewer than thirty (30) hours of classroom instruction and fifty (50) hours of behind-the-wheel training. The board may waive, as a whole or either part, the apprenticeship for an applicant who holds a current, active and unrestricted equivalent instructor license from another state or who has the requisite training and experience as demonstrated in a manner established by board rule. Such applicant shall submit supporting documentation with the completed application and shall meet all other requirements in this chapter and in board rule.

SECTION 74. That Section 54-5502, Idaho Code, be, and the same is hereby amended to read as follows:

54-5502. DEFINITIONS. As used in this chapter:

- (1) "Board" means the Idaho state board of midwifery.
- (2) "~~Bureau~~" means the Idaho state bureau of occupational licenses.
- ~~(3)~~ "Certified professional midwife" or "CPM" means a person who is certified by the North American registry of midwives or any successor organization.
- (4) "Client" means a woman under the care of a licensed midwife, as well as her fetus and newborn child.
- (4) "Division" means the division of occupational and professional licenses.
- (5) "Estimated due date" means the estimated date of delivery with a known date of conception, known date of last menstrual period or first trimester ultrasound.
- (6) "Idaho midwifery council" or "IMC" means the professional organization representing midwives in Idaho.
- (7) "Idahoans for midwives" or "IFM" means the Idaho consumer organization that promotes and supports midwifery care in Idaho.
- (8) "Licensed health care provider" means a physician or physician assistant or an advanced practice registered nurse.
- (9) "Licensed midwife" means a person who holds a current license issued by the board pursuant to the provisions of this chapter to engage in the practice of midwifery, who shall be designated "L.M."
- (10) "Midwifery education accreditation council" or "MEAC" means the organization established in 1991 and recognized by the U.S. department of education as an accrediting agency for midwifery education programs and institutions.
- (11) "National association of certified professional midwives" or "NACPM" means the national organization for certified professional midwives.
- (12) "NACPM essential documents" means the documents adopted by NACPM that identify the nature of and standards of practice for responsible midwifery practice.
- (13) "North American registry of midwives" or "NARM" means the international certification agency that establishes and administers certification for the CPM credential.
- (14) "Practice of midwifery" means providing maternity care for women and their newborns during the antepartum, intrapartum and postpartum periods. The postpartum period for both maternal and newborn care may not exceed six (6) weeks from the date of delivery.

SECTION 75. That Section 54-5504, Idaho Code, be, and the same is hereby amended to read as follows:

54-5504. BOARD OF MIDWIFERY -- POWERS AND DUTIES. The board shall have the authority and the responsibility to:

(1) Receive applications for licensure, determine the qualifications of persons applying for licensure, provide licenses to applicants qualified under this chapter and renew, suspend, revoke and reinstate licenses;

(2) Establish and collect fees for examination of applicants, for licensure and for renewal of licenses;

(3) Establish the minimum amount and type of continuing education to be required for each licensed midwife seeking renewal of the midwife's license;

(4) Investigate complaints against persons who are licensed under this chapter;

(5) Undertake, when appropriate, disciplinary proceedings and disciplinary action against persons licensed under this chapter;

(6) Promulgate and adopt rules, pursuant to chapter 52, title 67, Idaho Code, necessary to administer this chapter. To the degree they are consistent with this chapter, rules shall be consistent with the current job description for the profession published by NARM and consistent with standards regarding the practice of midwifery established by the NACPM or a successor organization;

(7) Authorize, by written agreement, the ~~bureau of occupational division of occupational and professional~~ licenses to act as agent in its interest; and

(8) Provide such other services and perform such other functions as are consistent with this chapter and necessary to fulfill its responsibilities.

SECTION 76. That Section 54-5509, Idaho Code, be, and the same is hereby amended to read as follows:

54-5509. FEES. (1) All fees received under the provisions of this chapter shall be paid to the department of self-governing agencies, ~~bureau of occupational~~ division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund. All costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund. In no case may any salary, expense or other obligation of the board be charged against the general fund.

(2) The fee for licensure may not exceed one thousand dollars (\$1,000).

SECTION 77. That Section 54-5602, Idaho Code, be, and the same is hereby amended to read as follows:

54-5602. DEFINITIONS. As used in this chapter:

(1) "ABGC" means the American board of genetic counseling, inc., its successor or equivalent.

(2) "ABMG" means the American board of medical genetics, its successor or equivalent.

(3) "ACS" means active candidate status conferred by the American board of genetic counseling.

(4) "Board" means the genetic counselors licensing board.

(5) ~~"Bureau" means the bureau of occupational licenses.~~

~~(6) "Certification" means the voluntary process by which a nongovernmental agency grants recognition and use of a credential to individuals who have met predetermined and standardized criteria.~~

(76) "Certification examination" means the certification examination for genetic counselors administered by a certifying agency approved by the board.

(87) "CEU" means continuing education unit as defined by the board by rule.

(98) "Code of ethics" means the current code of ethics adopted by the board.

(9) "Division" means the division of occupational and professional licenses.

(10) "Genetic counseling" means performing acts of a genetic counselor as described in section 54-5603, Idaho Code.

(11) "Genetic counselor" means an individual who is licensed under this chapter to engage in the practice of genetic counseling.

(12) "Licensed physician" means a person holding a license issued under chapter 18, title 54, Idaho Code.

(13) "NSGC" means the national society of genetic counselors, its successor or equivalent.

(14) "Person" means an individual and does not mean an association of individuals or a legal entity.

SECTION 78. That Section 54-5607, Idaho Code, be, and the same is hereby amended to read as follows:

54-5607. BOARD POWERS. (1) The board shall have the following powers:

(a) To receive applications for licensure, determine the qualifications of persons applying for licensure, provide licenses to applicants qualified under the provisions of this chapter and reinstate and deny licenses;

(b) To establish by rule and collect fees as prescribed by this chapter;

(c) To maintain records necessary to carry out its duties under this chapter;

(d) To pass upon the qualifications and fitness of applicants for licenses and to adopt rules requiring annual continuing education as a condition for the renewal of licenses issued under this chapter;

(e) To prescribe by rule the minimum number of and qualifications for continuing education units (CEUs) to be required of each genetic counselor seeking to obtain or renew a license in the state of Idaho and for the approval of continuing education courses;

(f) To examine for, deny, approve, issue, revoke and suspend licenses pursuant to this chapter and to conduct investigations and hearings in connection with such actions;

(g) Establish requirements for reinstatement and renewal of licenses;

(h) To adopt and revise such rules as may be necessary to carry into effect the provisions of this chapter in compliance with chapter 52, title 67, Idaho Code. The rules shall include, but shall not be limited to, a code of ethics for genetic counselors and licensed genetic counselor standards of practice;

(i) In any proceeding before the board authorized by this chapter, the board or its designee may administer oaths or affirmations to witnesses appearing before it; and

(j) To take such action as may be necessary to enforce the provisions of this chapter and to regulate the practice of genetic counseling.

(2) In a final order, the board may impose a civil penalty not to exceed one thousand dollars (\$1,000) for each violation by a licensee of this chapter or of rules adopted by the board.

(3) The board may authorize, by written agreement, the ~~bureau of occupational~~ division of occupational and professional licenses as its agent to act in its interest and, in its discretion, to contract with the ~~bureau of occupational~~ division of occupational and professional licenses for those services deemed necessary for the proper administration of this chapter.

(4) The assessment of costs and attorney's fees incurred in the investigation and prosecution or defense of a licensee under this chapter shall be governed by the provisions of section 12-117(5), Idaho Code.

SECTION 79. That Section 54-5802, Idaho Code, be, and the same is hereby amended to read as follows:

54-5802. DEFINITIONS. As used in this chapter:

(1) "Apprentice" means a person registered with the barber and cosmetology services licensing board to learn an occupation in a licensed establishment who, while so learning, performs or assists in performing any practices of barbering, barber-styling, cosmetology, or electrology.

(2) "Barber" means a person licensed to practice barbering as defined in this section.

(3) "Barbering" means any one (1) or any combination of the following practices when performed on the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Shaving the face or cutting, trimming, arranging, dressing, curling, cleansing, singeing or performing similar work on the hair;

(b) Fitting, cutting or dressing hairpieces or toupees;

(c) Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or by a mechanical appliance; and

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, and neck.

(4) "Barber-styling" means any one (1) or any combination of the following practices when performed on the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Shaving the face or cutting, trimming, arranging, dressing, curling, waving by any method, straightening, cleansing, singeing, bleaching, coloring or performing similar work on the hair;

(b) Fitting, cutting or dressing hairpieces or toupees;

(c) Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or by a mechanical appliance; and

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, and neck.

(5) "Barber-stylist" means a person licensed to practice barber-styling as defined in this section.

(6) "Board" means the barber and cosmetology services licensing board established by section 54-5806, Idaho Code.

(7) ~~"Bureau" means the bureau of occupational licenses.~~

~~(8) "Cosmetologist" means a person licensed to practice cosmetology as defined in this section.~~

(98) "Cosmetology" means any one (1) or any combination of the following practices when performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Cutting, trimming, arranging, dressing, curling, waving by any method, cleansing, singeing, bleaching, coloring or performing similar work on the hair;

(b) Fitting, cutting or dressing hairpieces or toupees;

(c) Noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes; and

(d) Manicuring and pedicuring nails and applying artificial nails.

(9) "Division" means the Idaho division of occupational and professional licenses.

(10) "Electrologist" means a person licensed to practice electrology, as defined in this section, and skilled in the permanent removal of unwanted hair.

(11) "Electrology" or "electrolysis" means the permanent removal of hair by destroying the hair-producing cells of the skin and vascular system through the use of equipment and devices approved by and registered with the United States food and drug administration.

(12) "Establishment" means a place licensed under this chapter, other than a licensed school, where barbering, barber-styling, cosmetology or electrology is practiced.

(13) "Esthetician" means a person licensed to practice esthetics as defined in this section.

(14) "Esthetics" means noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes.

(15) "Haircutting" means cutting, trimming, arranging, dressing, curling, cleansing, singeing or performing similar work on the hair and fitting, cutting or dressing hairpieces or toupees.

(16) "Instructor" means a person licensed under this chapter to practice and teach any practice defined in this section.

(17) "Instructor trainee" means a barber, barber-stylist or cosmetologist attending a licensed school to receive training to teach barbering, barber-styling or cosmetology.

(18) "Licensed school" means a postsecondary barber, cosmetology, or electrology school that:

(a) Is licensed under its official name by the barber and cosmetology services licensing board; and

(b) Admits as students only those individuals who meet the requirements of paragraphs (a) and (b) of section 54-5810(1), Idaho Code.

(19) "Makeover or glamour photography business" means a business offering photographic services to the general public in which the business's employees apply cosmetic products to customers' faces or arrange the hair of customers in connection with the sale or attempted sale of photographic services.

(20) "Makeup artist" means a person certificated to practice makeup artistry as defined in this section.

(21) "Makeup artistry" means noninvasive care of the skin by application of cosmetic preparations for cleansing and the application of makeup, which includes the application of cosmetics or any pigment product that is used to cover, camouflage or decorate the skin.

(22) "Nail technician" means a person licensed to practice nail technology as defined in this section.

(23) "Nail technology" means any one (1) or more of the following practices when performed on the human body:

(a) Manicuring and pedicuring nails;

(b) Applying artificial nails; and

(c) Massaging the hands and feet.

(24) "Retail cosmetics dealer" means a stationary business offering cosmetic products for sale at retail to the general public, in which the business's employees apply cosmetic products to customers' faces in connection with the sale or attempted sale of the products without compensation from the customer other than the regular price of the products.

(25) "Retail thermal styling equipment dealer" means a retail business that offers thermal styling equipment, such as curling irons, curling wands, flat irons, heated hair rollers, blow-dryers or other devices using heat to style hair, for sale at retail to members of the general public and whose employees engage in the limited use of thermal styling equipment on customers in connection with the sale or attempted sale of the equipment without compensation from the customer other than the regular price of the equipment.

(26) "Student" means a person learning barbering, barber-styling, cosmetology or electrology at a licensed school who, while so learning, performs or assists in performing any practices of barbering, barber-styling, cosmetology or electrology.

SECTION 80. That Section 54-5807, Idaho Code, be, and the same is hereby amended to read as follows:

54-5807. POWERS OF THE BOARD. (1) The board shall have the power to:

(a) Receive applications for licensure, certification, and registration, determine the qualifications of applicants, provide licenses, certificates, and registrations to applicants qualified under the provisions of this chapter, and reinstate and deny licenses, certificates, and registrations;

(b) Establish fees by rule and collect fees as prescribed by this chapter;

(c) Maintain records necessary to carry out its duties under this chapter;

(d) Judge the qualifications and fitness of applicants for licenses, certificates and registrations;

(e) Examine for, deny, approve, issue, revoke and suspend licenses, certificates and registrations, or sanction or impose education, training or supervision on any licensee, certificiant or registrant pursuant to this chapter and conduct investigations in connection with such actions;

(f) Conduct hearings and proceedings in accordance with the provisions of chapter 52, title 67, Idaho Code;

(g) Establish requirements for reinstatement and renewal of licenses and registrations;

(h) Adopt and revise such rules as may be necessary to carry into effect the provisions of this chapter in compliance with chapter 52, title 67, Idaho Code;

(i) Take such action as may be necessary to enforce the provisions of this chapter and to regulate the practice of occupations licensed, certificated and registered under this chapter;

(j) Approve relevant cosmetology education for barber and barber-styling licenses and approve relevant barber and barber-styling education for cosmetology licenses; provided that the total instructional hours required for a licensed cosmetologist to qualify for a barber or barber-styling license shall not exceed one hundred (100) hours, unless required by a national accrediting body; and

(k) Authorize, by written agreement, the ~~bureau of occupational division of occupational and professional licenses~~ as its agent to act in its interest and, at the board's discretion, contract with the ~~bureau of occupational division of occupational and professional licenses~~ for those services deemed necessary for the proper administration of this chapter.

(2) In any proceeding before the board authorized by this chapter, the board or its designee may administer oaths or affirmations to witnesses appearing before it, may subpoena witnesses and compel their attendance and also may require the production of books, papers, documents, electronically stored information and items at such proceedings. If any person shall refuse to obey any subpoena so issued or shall refuse to testify or comply with a request for production, the board may present its petition to a district judge to cause an order to be issued requiring such witness to appear before the board to testify and to produce such books, papers and other documents and items as directed in the subpoena. Any person failing or refusing to obey such order shall be punished for contempt of court.

(3) In a final order, the board may impose a civil penalty not to exceed one thousand dollars (\$1,000) for each violation by a licensee, certificant or registrant of this chapter or of rules adopted by the board.

SECTION 81. That Section 67-7304, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

SECTION 82. 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, 2022.

SECTION 83. The provisions of Sections 75 and 76 of this act shall be null, void, and of no force and effect on and after July 1, 2024.

Approved March 21, 2022



CHAPTER 95  
(S.B. No. 1366)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; 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 Liquor Division the following amounts to be expended according to the designated expense classes from the Liquor Control Fund for the period July 1, 2022, through June 30, 2023:

FOR:

Personnel Costs	\$18,551,900
Operating Expenditures	3,961,300
Capital Outlay	<u>5,127,300</u>
TOTAL	\$27,640,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Liquor Division is authorized no more than two hundred sixty-three (263.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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, 2022.

Approved March 21, 2022

CHAPTER 96  
(S.B. No. 1365)

AN ACT

RELATING TO THE APPROPRIATION TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; 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 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, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
<b>I. ADMINISTRATION - GOVERNOR'S OFFICE:</b>			
FROM:			
General			
Fund	\$2,185,500	\$222,500	\$2,408,000
<b>II. ACTING GOVERNOR PAY:</b>			
FROM:			
General			
Fund	\$17,900		\$17,900
<b>III. EXPENSE ALLOWANCE:</b>			
FROM:			
General			
Fund		\$4,900	\$4,900
<b>IV. GOVERNOR-ELECT TRANSITION:</b>			
FROM:			
General			
Fund	\$15,000		\$15,000
<b>V. GOVERNOR'S EMERGENCY:</b>			
FROM:			
Governor's Emergency			
Fund		\$2,000,000	\$2,000,000
GRAND TOTAL	\$2,218,400	\$2,227,400	\$4,445,800

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, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2023, 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, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

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, 2022.

Approved March 21, 2022

CHAPTER 97  
(H.B. No. 550)

AN ACT

RELATING TO CITY PROPERTY TAXES; AMENDING SECTION 50-235, IDAHO CODE, TO AUTHORIZE AND ESTABLISH PROVISIONS FOR A CITY COUNCIL TO ISSUE PROPERTY TAX REBATES TO CERTAIN PROPERTY TAXPAYERS AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-235, Idaho Code, be, and the same is hereby amended to read as follows:

50-235. TAX LEVY FOR GENERAL AND SPECIAL PURPOSES -- REBATES. (1) The city council of each city is hereby empowered to levy taxes for general revenue purposes not to exceed nine-tenths percent (.9%) of the market value for assessment purposes on all taxable property within the limits of the city in any one (1) year, and such levies for special purposes as are or may hereafter be provided, on all property within the limits of the city, taxable according to the laws of the state of Idaho, the valuation of such properties to be ascertained from the assessment rolls of the proper county.

(2) The city council of each city is hereby empowered to issue property tax rebates from its general fund to property taxpayers in its jurisdiction. A city council voting to issue such property tax rebates shall pass an ordinance describing the total amount appropriated for the program, providing instructions and a deadline for property taxpayers to apply for the rebate, and setting forth the formula for determining the tax rebate amounts, the method of distributing rebates, and other matters necessary to administer the program. However, the ordinance is subject to the following limitations:

(a) If a city chooses to have a property tax rebate program with the same parameters as the property tax reduction program provided for in chapter 7, title 63, Idaho Code, the state tax commission shall provide the city with a list of the names and addresses of all taxpayers within the city limits approved for benefits under the property tax reduction program so that the city can advise such taxpayers of the city program.

(b) The total amount of any rebate by the city plus any amount paid on behalf of the applicant by the state of Idaho through the property tax reduction program may not exceed the amount of property taxes payable by the property owner on the applicable property.

(c) A city is not required by this subsection to have a rebate program. The decision is completely within the discretion of the city council as to whether any rebate program pursuant to this subsection is appropriate in any given year. If a rebate program is funded in an amount insufficient to rebate all claims, the proper rebate claims shall be added up and every claimant's rebate share reduced in a uniform amount.

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

Approved March 21, 2022

CHAPTER 98  
(H.B. No. 528)

AN ACT

RELATING TO PERSONAL DELIVERY DEVICES; AMENDING SECTION 40-2305, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE OPERATION OF PERSONAL DELIVERY DEVICES; AMENDING SECTION 49-117, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 40-2305, Idaho Code, be, and the same is hereby amended to read as follows:

40-2305. PERSONAL DELIVERY DEVICES. (1) Notwithstanding any provision of law to the contrary, a personal delivery device as defined in section 49-117, Idaho Code, is authorized to operate on sidewalks, and crosswalks, and the sides or berms of highways; provided, however, that this section does not restrict a county, municipality, or highway district from otherwise adopting regulations for the safe operation of personal delivery devices consistent with this section.

(2) All personal delivery devices shall obey all traffic and pedestrian control devices and signs.

(3) A personal delivery device operating on sidewalks and crosswalks has all the rights and duties applicable to a pedestrian under the same circumstances, except that the personal delivery device shall not unreasonably interfere with pedestrians or traffic, and shall yield the right-of-way to pedestrians on sidewalks and crosswalks.

(4) All personal delivery devices shall include a plate or marker that identifies the name and contact information of the operator of the personal delivery device and a unique identifying device number.

(5) All personal delivery devices shall be equipped with a braking system that, when active or engaged, will enable the personal delivery device to come to a controlled stop.

(6) No personal delivery device shall transport hazardous materials or hazardous wastes that are regulated pursuant to chapter 22, title 49, Idaho Code the hazardous materials transportation act, 49 U.S.C. 5101-5128, and require placarding pursuant to subpart F of 49 CFR 172.

(7) No personal delivery device shall be operated on a public highway in the state, except on the side or berm of the road or to the extent necessary to cross a crosswalk.

(8) No personal delivery device shall operate on a sidewalk or crosswalk unless the personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.

SECTION 2. That Section 49-117, Idaho Code, be, and the same is hereby amended to read as follows:

49-117. DEFINITIONS -- P. (1) "Park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(2) "Park model recreational vehicle" means a recreational vehicle that is designed to provide temporary accommodations for recreational, camping or seasonal use, is built on a single chassis, was originally mounted on wheels, has a gross trailer area not exceeding four hundred (400) square feet in the set-up mode and is certified by its manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Standard for Recreational Park Trailers, and includes park models, park trailers and recreational park trailers.

(3) "Part-time salesman" means any person employed as a vehicle salesman on behalf of a dealer ~~less~~ fewer than thirty (30) hours per week.

(4) "Peace officer." (See section 19-5101(d), Idaho Code)

(5) "Pedestrian" means any person afoot and any person operating a wheelchair or a motorized wheelchair or an electric personal assistive mobility device.

(6) "Pedestrian path" means any path, sidewalk or way set aside and used exclusively by pedestrians.

(7) (a) "Person" means every natural person, firm, fiduciary, copartnership, association, corporation, trustee, receiver or assignee for the benefit of creditors, political subdivision, state or federal governmental department, agency, or instrumentality and, for the purposes of chapter 22, title 49, Idaho Code, shall include a private, common or contract carrier operating a vehicle on any highway of this state.

(b) "Person with a disability" means:

(i) A person who is unable to walk two hundred (200) feet or more unassisted by another person;

(ii) A person who is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair; or

(iii) A person who is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb.

(iv) For the purposes of chapters 3 and 4, title 49, Idaho Code, a person with a permanent disability is one whose physician certifies that the person qualifies as a person with a disability pursuant to this paragraph and further certifies that there is no expectation for a fundamental or marked change in the person's condition at any time in the future.

(8) "Personal delivery device" means an electrically powered device that is operated on sidewalks, and crosswalks, and the sides or berms of highways and is intended primarily to transport property; weighs less than ~~two~~ five hundred fifty (20550) pounds, excluding cargo; ~~has~~ operates at a maximum speed of ten (10) miles per hour when on sidewalks; and is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person. A personal delivery device shall not be defined as a vehicle or motor vehicle in any section of the law, unless expressly so stated.

(9) "Personal delivery device operator" means an entity or its agent that exercises direct physical control or monitoring over the navigation system and operation of a personal delivery device. For the purposes of this subsection, the term "agent" means a person charged by the entity with the responsibility of navigating and, monitoring, or operating the personal delivery device. The term "personal delivery device operator" does not include an entity or person who requests the services of a personal delivery device for the purpose of transporting property or an entity, nor does it include a person who merely arranges for and dispatches the requested services of a personal delivery device.

(10) "Personal information" means information that identifies an individual, including an individual's photograph or computerized image, social security number, driver identification number, name, address, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving or equipment-related violations, the five-digit zip code of the person's address, or status of the driver's license or motor vehicle registration.

(11) "Pneumatic tire." (See "Tires," section 49-121, Idaho Code)

(12) "Pole trailer." (See "Trailer," section 49-121, Idaho Code)

(13) "Possessory lien" means a lien dependent upon possession for compensation to which a person is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the towing, storage, repair, or safekeeping of, any vehicle of a type subject to registration.

(14) "Possessory lienholder" means any person claiming a lien, which lien claimed to have accrued on a basis of services rendered to the vehicle that is the subject of the lien.

(15) "Preceding year" means, for the purposes of section 49-434, Idaho Code, a period of twelve (12) consecutive months fixed by the department, prior to July 1 of the year immediately preceding the commencement of the registration or license year for which proportional registration is sought. The department in fixing the period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

(16) "Pressure regulator valve" means a device or system that governs the load distribution and controls the weight borne by a variable load suspension axle in accordance with a predetermined valve setting.

(17) "Principal place of business" means an enclosed commercial structure located within the state, easily accessible and open to the public at all reasonable times, with an improved display area large enough to display five (5) or more vehicles of the type the dealer is licensed to sell, immediately adjoining the building, and at which the business of a dealership, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building codes, zoning and other land-use regulatory ordinances, and in which building the public shall be able to contact the dealer or his salesmen in person or by telephone at all reasonable times. The books, records and files necessary to conduct the business of the dealership must be kept or reproduced electronically at the dealership's licensed location(s). A dealership keeping its physical books, records and files at an off-site location must notify the department in writing of such location at least thirty (30) days in advance of moving such books, records and files off-site. Physical books, records and files must be made available to the department upon request within three (3) business days of such request. The principal place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event shall a room or rooms in a hotel, rooming house, or apartment house building or a part of any single or multiple unit dwelling house be considered a "principal place of business" within the terms and provisions of this title unless the entire ground floor of that hotel, apartment house, or rooming house building or dwelling house be devoted principally to and occupied for commercial purposes, and the office or offices of the dealer be located on the ground floor.

(18) "Private property open to the public" means real property not owned by the federal government or the state of Idaho or any of its political subdivisions, but is available for vehicular traffic or parking by the general public with the permission of the owner or agent of the real property.

(19) "Private road" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(20) "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to the limit for one (1) person, in the amount of fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of fifteen thousand dollars (\$15,000) because of injury to or destruction of property of others in any one (1) accident.

(21) "Proper authority" means a public highway agency.

(22) "Public highway agency" means the state transportation department, any city, county, highway district or any other state agency that has jurisdiction over public highway systems and public rights-of-way.

(23) "Public right-of-way" means a right-of-way open to the public and under the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain said right-of-way for vehicular traffic.

(24) "Public road jurisdiction" means a public highway agency.

(25) "Purchase." (See "sell," "sold," and "buy," section 49-120, Idaho Code)

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, 2022.

Approved March 21, 2022

CHAPTER 99  
(H.B. No. 511)

AN ACT

RELATING TO BALLOTS; AMENDING SECTION 34-903, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ARRANGEMENT OF CANDIDATE NAMES ON BALLOTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-903, Idaho Code, be, and the same is hereby amended to read as follows:

34-903. SECRETARY OF STATE TO PRESCRIBE FORM AND CONTENTS OF ALL BALLOTS AND RELATED DOCUMENTS. (1) The secretary of state shall, in a manner consistent with the election laws of this state, prescribe the form for all ballots, absentee ballots, diagrams, sample ballots, ballot labels, voting machine labels or booklets, certificates, notices, declarations of candidacy, affidavits of all types, lists, applications, poll books, tally sheets, registers, rosters, statements, and abstracts if required by the election laws of this state.

(2) The secretary of state shall prescribe the arrangement of the matter to be printed on each kind of ballot and label, including:

(a) The placement and listing of all offices, candidates and issues upon which voting is statewide, which shall be uniform throughout the state.

(b) The listing of all other candidates required to file with him, and the order of listing all offices and issues upon which voting is not statewide.

(3) The names of candidates for legislative or special district offices shall be printed only on the ballots and ballot labels furnished to voters of such district.

(4) (a) The names of candidates which that appear on election ballots for federal, state, county, and city offices shall be rotated in the manner determined by the secretary of state.

(b) The names of candidates that appear on election ballots for other offices shall be rotated in the manner determined by the secretary of state for any political entity whose number of registered voters at the last general election exceeds one hundred thousand (100,000).

(c) The order of candidates for office in all other elections shall be determined by applying the first letter of each candidate's last name to a random alphabet selected prior to each election by the secretary of state.

(5) No candidate's name may appear on a ballot for more than one (1) partisan office or one (1) judicial office, except that a candidate for precinct committeeman may seek one (1) additional office upon the same ballot. The provisions of this subsection shall not apply to the election of electors of president and ~~vice-president~~ vice president of the United States.

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, 2022.

Approved March 21, 2022

CHAPTER 100  
(S.B. No. 1371)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE HISTORICAL SOCIETY; APPROPRIATING MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Idaho State Historical Society the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:



	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>FROM:</b>					
<b>General</b>					
Fund	\$2,530,800	\$1,537,200	\$41,600	\$31,600	\$4,141,200
<b>Miscellaneous Revenue</b>					
Fund	1,037,500	1,074,300			2,111,800
<b>Records Management Service</b>					
Fund	179,500	39,700	120,400		339,600
<b>Capitol Commission Operating</b>					
Fund	78,700	53,500			132,200
<b>American Rescue Plan</b>					
Fund		12,700	26,400		39,100
<b>Federal Grant</b>					
Fund	<u>1,091,400</u>	<u>476,600</u>	<u>0</u>	<u>130,000</u>	<u>1,698,000</u>
<b>TOTAL</b>	<b>\$4,917,900</b>	<b>\$3,194,000</b>	<b>\$188,400</b>	<b>\$161,600</b>	<b>\$8,461,900</b>

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Historical Society is authorized no more than fifty-eight (58.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 189, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Idaho State Historical Society \$5,000,000 from the General Fund to be expended for deferred maintenance, upgrades, and other agency infrastructure projects for the period July 1, 2021, through June 30, 2022.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho State Historical Society any unexpended and unencumbered balances appropriated to the Idaho State Historical Society from the General Fund for fiscal year 2022, not to exceed \$5,000,000, to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. 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. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 21, 2022

CHAPTER 101  
(H.B. No. 556)

AN ACT

RELATING TO SECURITIES; AMENDING SECTION 30-14-302, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 30-14-412, IDAHO CODE, TO CLARIFY PROVISIONS REGARDING DISCIPLINARY CONDITIONS; AMENDING SECTION 30-14-509, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE STATUTE OF LIMITATIONS; AMENDING SECTION 30-14-605, IDAHO CODE, TO PROVIDE REFERENCES TO UNITED STATES CODE AND TO PROVIDE CORRECT TERMINOLOGY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 30-14-302, Idaho Code, be, and the same is hereby amended to read as follows:

30-14-302. NOTICE FILING. (a) Required filing of records. With respect to a federal covered security, as defined in section 18(b)(2) of the securities act of 1933 (15 U.S.C. 77r(b)(2)), that is not otherwise exempt under sections 30-14-201 through 30-14-203, Idaho Code, a rule adopted or an order issued under this chapter may require the filing of any or all of the following records:

- (1) Before the initial offer of a federal covered security in this state, all records that are part of a federal registration statement filed with the securities and exchange commission under the securities act of 1933 and a consent to service of process complying with section 30-14-611, Idaho Code, signed by the issuer and the payment of a fee of three hundred dollars (\$300) for mutual funds and one hundred dollars (\$100) for unit investment trusts;
- (2) After the initial offer of the federal covered security in this state, all records that are part of an amendment to a federal registration statement filed with the securities and exchange commission under the securities act of 1933; and
- (3) To the extent necessary or appropriate to compute fees, a report of the value of the federal covered securities sold or offered to persons present in this state, if the sales data are not included in records filed with the securities and exchange commission; and
- (4) Each series or portfolio of an investment company offering shall be required to make a separate notice filing. Separate notice filings for classes of an investment company are not required as long as classes are used solely as a method of distinguishing payment plans within a series or portfolio.

(b) Notice filing effectiveness and renewal. A notice filing under subsection (a) of this section is effective for one (1) year commencing on the later of the notice filing or the effectiveness of the offering filed with the securities and exchange commission. On or before expiration, the issuer may renew a notice filing by filing a copy of those records filed by the issuer with the securities and exchange commission that are required by rule or order under this chapter to be filed and by paying a renewal fee of three hundred dollars (\$300) for mutual funds and one hundred dollars (\$100) for unit investment trusts. A previously filed consent to service of process complying with section 30-14-611, Idaho Code, may be incorporated by reference in a renewal. A renewed notice filing becomes effective upon the expiration of the filing being renewed.

(c) Notice filings for federal covered securities under section 18(b)(4)(D) and (F). With respect to a security that is a federal covered security under section 18(b)(4)(D) and (F) of the securities act of 1933 (15 U.S.C. 77r(b)(4)(D) and (F)), a rule or order under this chapter may require a notice filing by or on behalf of an issuer and may include a copy of form D, or other filing requirements as determined by the director of the department of finance, and the payment of a fee of fifty dollars (\$50.00).

(d) Stop orders. Except with respect to a federal covered security under section 18(b)(1) of the securities act of 1933 (15 U.S.C. 77r(b)(1)), if the administrator finds that there is a failure to comply with a notice or fee requirement of this section, the administrator may issue a stop order suspending the offer and sale of a federal covered security in this state. If the deficiency is corrected, the stop order is void as of the time of its issuance and no penalty may be imposed by the administrator.

SECTION 2. That Section 30-14-412, Idaho Code, be, and the same is hereby amended to read as follows:

30-14-412. DENIAL, REVOCATION, SUSPENSION, WITHDRAWAL, RESTRICTION, CONDITION OR LIMITATION OF REGISTRATION. (a) Disciplinary conditions -- Applicants. If the administrator finds that the order is in the public interest and subsection (d) of this section authorizes the action, an order issued under this chapter may deny an application, or may condition or limit registration of an applicant to be a broker-dealer, agent, investment adviser or investment adviser representative, and, if the applicant is a broker-dealer or investment adviser, of any partner, officer, director or person having a similar status or performing similar functions, or a person directly or indirectly in control, of the broker-dealer or investment adviser.

(b) Disciplinary conditions -- Registrants. If the administrator finds that the order is in the public interest and subsection (d) of this section authorizes the action, an order issued under this chapter may revoke, suspend, condition or limit the registration of a registrant and, if the registrant is a broker-dealer or investment adviser, of any partner, officer, director or person having a similar status or performing similar functions, or a person directly or indirectly in control, of the broker-dealer or investment adviser. Provided however, the administrator may not:

(1) Institute a revocation or suspension proceeding under this subsection based on an order issued under a law of another state that is reported to the administrator or a designee of the administrator more than one (1) year after the date of the order on which it is based; or

(2) Under subsection (d)(5)(A) or (B) of this section, issue an order on the basis of an order issued under the securities act of another state unless the other order was based on conduct for which subsection (d) of this section would authorize the action had the conduct occurred in this state.

(c) Disciplinary penalties -- Registrants. If the administrator finds that the order is in the public interest and subsections (d)(1) through (6), (8), (9), (10), (12) or (13) of this section authorizes the action, an order under this chapter may censure, impose a bar or suspension from association with a broker-dealer or investment adviser registered in this state, or impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000) for each violation, on a registrant and, if the registrant is a broker-dealer or investment adviser, a partner, officer, director or person having a similar status or performing similar functions, or a person directly or indirectly in control, of the broker-dealer or investment adviser.

(d) Grounds for discipline. A person may be disciplined under subsections (a) through (c) of this section if the person:

(1) Has filed an application for registration in this state under this chapter or the predecessor act within the previous ten (10) years, which, as of the effective date of registration or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained a statement that, in light of the circumstances under which it was made, was false or misleading with respect to a material fact;

(2) Willfully violated or willfully failed to comply with this chapter or the predecessor act or a rule adopted or an order issued under this chapter or the predecessor act within the previous ten (10) years;

(3) Has been convicted of any felony or within the previous ten (10) years has been convicted of a misdemeanor involving a security, a commodity future or option contract, or an aspect of a business involving securities, commodities, investments, franchises, insurance, banking or finance;

(4) Is enjoined or restrained by a court of competent jurisdiction in an action instituted by the administrator under this chapter or the predecessor act, a state, the securities and exchange commission, or the United States from engaging in or continuing an act, practice or course of business involving an aspect of a business involving securities, commodities, investments, franchises, insurance, banking or finance;

(5) Is the subject of an order, issued after notice and opportunity for hearing by:

(A) The securities, depository institution, insurance or other financial services regulator of a state or by the securities and exchange commission or other federal agency denying, revoking, barring or suspending registration as a broker-dealer, agent, investment adviser, federal covered investment adviser, or investment adviser representative;

(B) The securities regulator of a state or the securities and exchange commission against a broker-dealer, agent, investment adviser, investment adviser representative, or federal covered investment adviser;

(C) The securities and exchange commission or a self-regulatory organization suspending or expelling the registrant from membership in the self-regulatory organization;

(D) A court adjudicating a United States postal service fraud order;

(E) The insurance regulator of a state denying, suspending or revoking registration as an insurance agent; or

(F) A depository institution regulator suspending or barring the person from the depository institution business;

(6) Is the subject of an adjudication or determination, after notice and opportunity for hearing, by the securities and exchange commission, the commodity futures trading commission; the federal trade commission; a federal depository institution regulator, or a depository institution, insurance or other financial services regulator of a state that the person willfully violated the securities act of 1933, the securities exchange act of 1934, the investment advisers act of 1940, the investment company act of 1940, or the commodity exchange act, the securities or commodities law of a state, or a federal or state law under which a business involving investments, franchises, insurance, banking or finance is regulated;

(7) Is insolvent, either because the person's liabilities exceed the person's assets or because the person cannot meet the person's obligations as they mature, provided however that the administrator may not enter an order against an applicant or registrant under this paragraph (7) without a finding of insolvency as to the applicant or registrant;

(8) Refuses to allow or otherwise impedes the administrator from conducting an audit or inspection under section 30-14-411(d), Idaho Code, or refuses access to a registrant's office to conduct an audit or inspection under section 30-14-411(d), Idaho Code;

(9) Has failed to reasonably supervise an agent, investment adviser representative or other individual, if the agent, investment adviser representative or other individual was subject to the person's supervision and committed a violation of this chapter or the predecessor act or a rule adopted or an order issued under this chapter or the predecessor act within the previous ten (10) years;

(10) Has not paid the proper filing fee within thirty (30) days after having been notified by the administrator of a deficiency, provided however that the administrator shall vacate an order under this paragraph (10) when the deficiency is corrected;

(11) After notice and opportunity for a hearing, has been found within the previous ten (10) years:

(A) By a court of competent jurisdiction to have willfully violated the laws of a foreign jurisdiction under which the business of securities, commodities, investment, franchises, insurance, banking or finance is regulated;

(B) To have been the subject of an order of a securities regulator of a foreign jurisdiction denying, revoking or suspending the right to engage in the business of securities as a broker-dealer, agent, investment adviser, investment adviser representative or similar person; or

(C) To have been suspended or expelled from membership by or participation in a securities exchange or securities association operating under the securities laws of a foreign jurisdiction;

(12) Is the subject of a cease and desist order issued by the securities and exchange commission or issued under the securities, commodities, investment, franchise, banking, finance or insurance laws of a state;

(13) Has engaged in dishonest or unethical practices in the securities, commodities, investment, franchise, banking, finance or insurance business within the previous ten (10) years; or

(14) Is not qualified on the basis of factors such as training, experience and knowledge of the securities business. Provided however, in the case of an application by an agent for a broker-dealer that is a member of a self-regulatory organization or by an individual for registration as an investment adviser representative, a denial order may not be based on this paragraph (14) if the individual has successfully completed all examinations required by subsection (e) of this section. The administrator may require an applicant for registration under section 30-14-402 or 30-14-404, Idaho Code, who has not been registered in a state within the two (2) years preceding the filing of an application in this state to successfully complete an examination.

(e) Examinations. A rule adopted or an order issued under this chapter may require that an examination, including an examination developed or approved by an organization of securities regulators, be successfully completed by a class of individuals or all individuals. An order issued under this chapter may waive, in whole or in part, an examination as to an individual and a rule adopted under this chapter may waive, in whole or in part, an examination as to a class of individuals if the administrator determines that the examination is not necessary or appropriate in the public interest and for the protection of investors.

(f) Summary process. The administrator may suspend or deny an application summarily; restrict, condition, limit or suspend a registration; or censure, bar, or impose a civil penalty on a registrant before final determination of an administrative proceeding. Upon the issuance of an order, the administrator shall promptly notify each person subject to the order that the order has been issued, the reasons for the action, and that within fifteen (15) days after the receipt of a request in a record from the person the matter will be scheduled for a hearing. If a hearing is not requested and none is ordered by the administrator within thirty (30) days after the date of service of the order, the order becomes final by operation of law. If a hearing is requested or ordered, the administrator, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend the order until final determination.

(g) Procedural requirements. An order issued may not be issued under this section, except under subsection (f) of this section, without:

- (1) Appropriate notice to the applicant or registrant;
- (2) Opportunity for hearing; and
- (3) Findings of fact and conclusions of law in a record in accordance with chapter 52, title 67, Idaho Code.

(h) Control person liability. A person that controls, directly or indirectly, a person not in compliance with this section may be disciplined by order of the administrator under subsections (a) through (c) of this section to the same extent as the noncomplying person, unless the controlling person did not know, and in the exercise of reasonable care could not have known, of the existence of conduct that is a ground for discipline under this section.

(i) Limit on investigation or proceeding. The administrator may not institute a proceeding under subsection (a), (b) or (c) of this section based solely on material facts actually known by the administrator unless an investigation or the proceeding is instituted within one (1) year after the administrator actually acquires knowledge of the material facts.

SECTION 3. That Section 30-14-509, Idaho Code, be, and the same is hereby amended to read as follows:

30-14-509. CIVIL LIABILITY. (a) Securities litigation uniform standards act. Enforcement of civil liability under this section is subject to the securities litigation uniform standards act of 1998, as cited in section 30-14-103, Idaho Code.

(b) Liability of seller to purchaser. A person is liable to the purchaser if the person sells a security in violation of section 30-14-301, Idaho Code, or, by means of an untrue statement of a material fact or an omission to state a material fact necessary in order to make the statement made, in light of the circumstances under which it is made, not misleading, the purchaser not knowing the untruth or omission and the seller not sustaining the burden of proof that the seller did not know and, in the exercise of reasonable care, could not have known of the untruth or omission. An action under this subsection is governed by the following:

- (1) The purchaser may maintain an action to recover the consideration paid for the security, less the amount of any income received on the security, and interest at the annual rate of interest set forth in section 28-22-104(2), Idaho Code, from the date of the purchase, costs, and reasonable attorneys' fees determined by the court, upon the tender of the security, or for actual damages as provided in subsection (b) (3) of this section.

(2) The tender referred to in subsection (b) (1) of this section may be made any time before entry of judgment. Tender requires only notice in a record of ownership of the security and willingness to exchange the security for the amount specified. A purchaser that no longer owns the security may recover actual damages as provided in subsection (b) (3) of this section.

(3) Actual damages in an action arising under this subsection are the amount that would be recoverable upon a tender less the value of the security when the purchaser disposed of it, and interest at the annual rate of interest set forth in section 28-22-104(2), Idaho Code, from the date of the purchase, costs, and reasonable attorneys' fees determined by the court.

(c) Liability of purchaser to seller. A person is liable to the seller if the person buys a security by means of an untrue statement of a material fact or omission to state a material fact necessary in order to make the statement made, in light of the circumstances under which it is made, not misleading, the seller not knowing of the untruth or omission, and the purchaser not sustaining the burden of proof that the purchaser did not know, and in the exercise of reasonable care, could not have known of the untruth or omission. An action under this subsection is governed by the following:

(1) The seller may maintain an action to recover the security, and any income received on the security, costs, and reasonable attorneys' fees determined by the court, upon the tender of the purchase price, or for actual damages as provided in subsection (c) (3) of this section.

(2) The tender referred to in subsection (c) (1) of this section may be made any time before entry of judgment. Tender requires only notice in a record of the present ability to pay the amount tendered and willingness to take delivery of the security for the amount specified. If the purchaser no longer owns the security, the seller may recover actual damages as provided in subsection (c) (3) of this section.

(3) Actual damages in an action arising under this subsection are the difference between the price at which the security was sold and the value the security would have had at the time of the sale in the absence of the purchaser's conduct causing liability, and at the annual rate of interest set forth in section 28-22-104(2), Idaho Code, from the date of the sale of the security, costs, and reasonable attorneys' fees determined by the court.

(d) Liability of unregistered broker-dealer and agent. A person acting as a broker-dealer or agent that sells or buys a security in violation of section 30-14-401(a), 30-14-402(a) or 30-14-506, Idaho Code, is liable to the customer. The customer, if a purchaser, may maintain an action for recovery of actual damages as specified in subsections (b) (1) through (3) of this section, or, if a seller, for a remedy as specified in subsections (c) (1) through (3) of this section.

(e) Liability of unregistered investment adviser and investment adviser representative. A person acting as an investment adviser or investment adviser representative that provides investment advice for compensation in violation of section 30-14-403(a), 30-14-404(a) or 30-14-506, Idaho Code, is liable to the client. The client may maintain an action to recover the consideration paid for the advice, interest at the annual rate of interest set forth in section 28-22-104(2), Idaho Code, from the date of payment, costs, and reasonable attorneys' fees determined by the court.

(f) Liability for investment advice. A person that receives directly or indirectly any consideration for providing investment advice to another person and that employs a device, scheme or artifice to defraud the other person or engages in an act, practice, or course of business that operates or would operate as a fraud or deceit on the other person, is liable to the other person. An action under this subsection is governed by the following:

(1) The person defrauded may maintain an action to recover the consideration paid for the advice and the amount of any actual damages caused by the fraudulent conduct, interest at the annual rate of interest set forth in section 28-22-104(2), Idaho Code, from the date of the fraudulent conduct, costs, and reasonable attorneys' fees determined by the court, less the amount of any income received as a result of the fraudulent conduct.

(2) This subsection does not apply to a broker-dealer or its agents if the investment advice provided is solely incidental to transacting business as a broker-dealer and no special compensation is received for the investment advice.

(g) Joint and several liability. The following persons are liable jointly and severally with and to the same extent as persons liable under subsections (b) through (f) of this section:

(1) A person that directly or indirectly controls a person liable under subsections (b) through (f) of this section, unless the controlling person sustains the burden of proof that the person did not know, and in the exercise of reasonable care could not have known, of the existence of conduct by reason of which the liability is alleged to exist;

(2) An individual who is a managing partner, executive officer, or director of a person liable under subsections (b) through (f) of this section, including an individual having a similar status or performing similar functions, unless the individual sustains the burden of proof that the individual did not know and, in the exercise of reasonable care could not have known, of the existence of conduct by reason of which the liability is alleged to exist;

(3) An individual who is an employee of or associated with a person liable under subsections (b) through (f) of this section and who materially aids the conduct giving rise to the liability, unless the individual sustains the burden of proof that the individual did not know and, in the exercise of reasonable care could not have known, of the existence of conduct by reason of which the liability is alleged to exist; and

(4) A person that is a broker-dealer, agent, investment adviser, or investment adviser representative that materially aids the conduct giving rise to the liability under subsections (b) through (f) of this section, unless the person sustains the burden of proof that the person did not know and, in the exercise of reasonable care could not have known, of the existence of conduct by reason of which liability is alleged to exist.

(h) Right of contribution. A person liable under this section has a right of contribution as in cases of contract against any other person liable under this section for the same conduct.

(i) Survival of cause of action. A cause of action under this section survives the death of an individual who might have been a plaintiff or defendant.

(j) Statute of limitations. A person may not obtain relief:

(1) Under subsection (b) of this section for violation of section 30-14-301, Idaho Code, or under subsection (d) or (e) of this section, unless the action is instituted within one three (~~13~~) years after the violation occurred; or



(2) Under subsection (b) of this section, other than for violation of section 30-14-301, Idaho Code, or under subsection (c) or (f) of this section, unless the action is instituted within ~~the earlier of two~~ three (23) years after discovery of the facts constituting the violation or five (5) years after the a violation was discovered or would have been discovered with the exercise of reasonable care.

(k) No enforcement of violative contract. A person that has made, or has engaged in the performance of, a contract in violation of this chapter or a rule adopted or an order issued under this chapter, or that has acquired a purported right under the contract with knowledge of conduct by reason of which its making or performance was in violation of this chapter, may not base an action on the contract.

(l) No contractual waiver. A condition, stipulation, or provision binding a person purchasing or selling a security or receiving investment advice to waive compliance with this chapter or a rule adopted or an order issued under this chapter is void.

(m) Survival of other rights or remedies. The rights and remedies provided by this chapter are in addition to any other rights or remedies that may exist, but this chapter does not create a cause of action not specified in this section or section 30-14-411 (e), Idaho Code.

SECTION 4. That Section 30-14-605, Idaho Code, be, and the same is hereby amended to read as follows:

30-14-605. RULES, FORMS, ORDERS, INTERPRETATIVE OPINIONS, AND HEARINGS. (a) Issuance and adoption of forms, orders, and rules. The administrator may:

(1) Issue forms and orders and, after notice and comment, may adopt and amend rules necessary or appropriate to carry out this chapter and may repeal rules, including rules and forms governing registration statements, applications, notice filings, reports, and other records;

(2) By rule, define terms, whether or not used in this chapter, but those definitions may not be inconsistent with this chapter; and

(3) By rule, classify securities, persons, and transactions and adopt different requirements for different classes.

(b) Findings and cooperation. Under this chapter, a rule or form may not be adopted or amended, or an order issued or amended, unless the administrator finds that the rule, form, order, or amendment is necessary or appropriate in the public interest or for the protection of investors and is consistent with the purposes intended by this chapter. In adopting, amending, and repealing rules and forms, section 30-14-608, Idaho Code, applies in order to achieve uniformity among the states and coordination with federal laws in the form and content of registration statements, applications, reports, and other records, including the adoption of uniform rules, forms, and procedures.

(c) Financial statements. Subject to section 15(i) of the securities exchange act (15 U.S.C. 78o(i)) and section 222 of the investment advisers act of 1940 (15 U.S.C. 80b-18a), the administrator may require that a financial statement filed under this chapter be prepared in accordance with generally accepted accounting principles in the United States and comply with other requirements specified by rule adopted or an order issued under this chapter. A rule adopted or an order issued under this chapter may establish:

(1) Subject to section 15(i) of the securities exchange act (15 U.S.C. 78o(i)) and section 222 of the investment advisers ~~advisers~~ act of 1940 (15 U.S.C. 80b-18a), the form and content of financial statements required under this chapter;

(2) Whether unconsolidated financial statements must be filed; and

(3) Whether required financial statements must be audited by an independent certified public accountant.

(d) Interpretative opinions. The administrator may provide interpretative opinions or issue determinations that the administrator will not institute a proceeding or an action under this chapter against a specified person for engaging in a specified act, practice, or course of business if the determination is consistent with this chapter. A rule adopted or an order issued under this chapter may establish a reasonable charge for interpretative opinions or determinations that the administrator will not institute an action or a proceeding under this chapter.

(e) Effect of compliance. A penalty under this chapter may not be imposed for, and liability does not arise from, conduct that is engaged in or omitted in good faith believing it conforms to a rule, form, or order of the administrator under this chapter.

(f) Presumption for public hearings. A hearing in an administrative proceeding under this chapter must be conducted in public unless the administrator for good cause consistent with this chapter determines that the hearing will not be so conducted.

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, 2022.

Approved March 21, 2022

CHAPTER 102  
(S.B. No. 1364)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR CONTINUOUS APPROPRIATION; 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 Department of Finance the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
State Regulatory				
Fund	\$7,850,900	\$2,038,600	\$69,900	\$9,959,400
Mortgage Recovery				
Fund		50,000		50,000
Securities Investor Training				
Fund	50,000	0	0	50,000
TOTAL	\$7,900,900	\$2,088,600	\$69,900	\$10,059,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Finance is authorized no more than seventy (70.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION AUTHORITY. The Department of Finance is hereby granted continuous appropriation authority for reimbursement of persons to whom the Idaho courts have made a final determination of actual damages resulting from acts constituting violations of the Idaho Residential Mortgage Practices Act by a mortgage broker, mortgage lender, or mortgage loan originator who was licensed or required to be licensed pursuant to Chapter 31, Title 26, Idaho Code.

SECTION 4. 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, 2022.

Approved March 21, 2022

CHAPTER 103  
(H.B. No. 687)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION ON AGING; APPROPRIATING MON-  
EYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2023; LIMITING THE NUM-  
BER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDI-  
TIONAL MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2022; PROVIDING  
REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Commission on Aging the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$620,200	\$280,600	\$4,417,600	\$5,318,400
American Rescue Plan				
Fund		480,400	4,201,300	4,681,700
Federal COVID-19 Relief				
Fund		247,100	133,000	380,100
Federal Grant				
Fund	<u>818,100</u>	<u>515,200</u>	<u>8,021,900</u>	<u>9,355,200</u>
TOTAL	\$1,438,300	\$1,523,300	\$16,773,800	\$19,735,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on Aging is authorized no more than fourteen (14.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 121, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Commission on Aging \$5,000,000 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 senior center support.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Commission on Aging any unexpended and unencumbered balances appropriated to the Commission on Aging from the General Fund for the purpose of senior center support for fiscal year 2022, in an amount not to exceed \$5,000,000, to be used for nonrecurring expenditures related to senior center support for the period July 1, 2022, through June 30, 2023. 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. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 21, 2022

CHAPTER 104  
(S.B. No. 1277)

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-111, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE QUALIFICATION OF VOTERS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 43-111, Idaho Code, be, and the same is hereby amended to read as follows:

43-111. QUALIFICATIONS OF VOTERS -- VOTES BASED ON ASSESSED ACRES. (1) No person shall be entitled to vote at any election held under the provisions of this title for the purpose of electing directors, for the purpose of determining whether indebtedness shall be created or bonds issued by the district, or for any other purpose, unless he shall possess all the qualifications required of electors under the general laws of the state, and own land within the district, or the proposed district lands that are on the district's assessment book prepared under section 43-701, Idaho Code, and be a resident of the county in which the district, or a portion thereof, is located for a period of thirty (30) or more days next preceding the election; provided that the bylaws may, by resolution of two-thirds (2/3) of the board and adoption by two-thirds (2/3) of the electors voting in a district election conducted in accordance with the general election laws of the state applicable to irrigation districts, set forth a provision allowing a district landowner to vote, if the landowner possesses all the qualifications required of electors under the general laws of the state and

has resided within fifteen (15) miles of the district for a period of at least thirty (30) days prior to the election.

(2) After approval by a majority of the electors voting upon the issue in a district election conducted using the elector criteria of subsection (1) of this section, in subsequent district elections, a person having the qualifications described in subsection (1) of this section shall have the right to cast one (1) vote for each acre of assessed land on the district assessment book and a proportionate vote for each fraction of an acre of assessed land on the district assessment book owned by him within the district. Co-owners or multiple owners of parcels of land shall cast no more than the total number of votes represented by the acres or fraction of acres of assessed land within the district.

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, 2022.

Approved March 21, 2022

CHAPTER 105  
(S.B. No. 1276, As Amended)

AN ACT

RELATING TO IRRIGATION AND CANAL COMPANIES; AMENDING SECTION 42-2401, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOTICE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 42-2401, Idaho Code, be, and the same is hereby amended to read as follows:

42-2401. ADDITIONAL RIGHTS AND POWERS GRANTED IRRIGATION OR CANAL COMPANIES. Any corporation heretofore organized or any corporation that shall hereafter be organized for the operation, control or management of an irrigation project or canal system, or for the purpose of furnishing water to its shareholders and not for profit or hire, shall have and exercise all the rights, powers, and privileges in addition to those already granted and existing.

(1-) To divide into districts the territory included in such project or system and to change from time to time the number and boundaries of such districts-;

(2-) To elect its directors from such districts by a vote in which all the stockholders of the corporation may participate, determine the number of directors to be elected from each district, fix their terms of office and prescribe the times and manner of choosing their successors-;

(3-) To hold regular annual meetings at which the stockholders who are represented in person or by proxy shall constitute a quorum for the transaction of business and shall have the power by a majority vote of the stock so represented to elect directors and transact any other business of the corporation proper to be done-;

(4-) To provide for the appointment of an executive committee from the board of directors- to be composed of not less than three (3) thereof. Such committee shall have all the powers, rights and privileges of the board of directors and may meet at such times and places as the bylaws may provide or the board of directors may determine, and the acts of such committee shall in all matters be valid as against the corporation-;

(5-) To provide by amendment to its articles of incorporation or by adopting new articles of incorporation for the treatment and eradication of noxious weeds growing on the lands within the boundaries of said irrigation project and adjacent thereto and to drain excess water from said lands-;

(6-) To change or amend its articles of incorporation or bylaws or adopt new articles or new bylaws, by a two-thirds (2/3) vote of the stock represented, at any regular meeting of the stockholders, or at any special meeting duly called for that purpose in accordance with the provisions of sections 30-310 and 30-311, Idaho Code-; provided, that any proposed changes in the articles of incorporation or bylaws or any new articles of incorporation or bylaws shall be either proposed at a meeting of the stockholders or approved by at least one-third (1/3) of the board of directors-; ~~and before. Before being finally adopted, the board of directors shall cause such proposed articles, bylaws, or changes therein (or a summary of them) to be published in a newspaper of general circulation published in the county in which the main office of the canal company is situated, for at least once each week for four (4) weeks prior to the meeting at which such articles, bylaws, or changes therein are finally adopted and said notice shall state the time and place at which the vote on final adoption will be taken.~~ notice of such proposed articles, bylaws, or changes therein, or a summary of them, shall be given by an advertisement thereof for two (2) weeks in a newspaper of general circulation within the canal company service area and the county in which the principal place of business of the corporation is located or by written notice, placed in the United States mail, postage prepaid, and addressed to the stockholder at his last known post office address;

(7-) To prohibit any officer, director, manager or employee of the corporation from acting as proxy for any other person at any meeting of the stockholders-;

(8-) To prescribe by its articles of incorporation or bylaws the manner in which the powers given by law shall be exercised-;

(9-) To provide by amendment to its articles of incorporation or by adoption of new articles of incorporation that the directors be divided into two (2) or three (3) classes, each class to be as nearly equal in number as possible; the term of office of directors of the first class to expire at the first annual meeting of directors after their election, that of the second class to expire at the second annual meeting after their election, and that of the third class, if any, to expire at the third annual meeting after their election. At each annual meeting after such classification, the number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the second succeeding annual meeting, if there be two (2) classes, or until the third succeeding annual meeting, if there be three (3) classes. Immediately after the first election following such amendment or adoption as ~~herein provided in this subsection~~, each such class shall be selected by lot by the elected directors at their organizational meeting-; and

(10-) To provide for a notice of a meeting of the stockholders or the election of directors ~~which notice may be given by an advertisement thereof for two (2) weeks in a newspaper of general circulation within the canal company service area and the county in which the principal place of business of the corporation is located or which notice may be given by written notice, placed in the United States mail, postage prepaid, and addressed to the stockholder at his last known post office address.~~

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, 2022.

CHAPTER 106  
(S.B. No. 1275)

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-201, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOMINEE OATHS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 43-201, Idaho Code, be, and the same is hereby amended to read as follows:

43-201. ELECTION, TERM OF OFFICE, NOMINATIONS AND QUALIFICATIONS. (1) Following the organization of any district, an election shall be held in accordance with section 34-106, Idaho Code, at which shall be elected one (1) director for each division of said district by the electors of the district at large.

(2) The term of office of the directors shall, immediately after the first election following such organization, be selected by lot so that as nearly as may be, one-third (1/3) of the number shall hold office for the term of one (1) year, one-third (1/3) for the term of two (2) years, and the balance for the term of three (3) years. An election shall be held in the district each year thereafter in accordance with section 34-106, Idaho Code, to elect directors to succeed those whose terms expire. Each director's term of office shall commence on the regularly scheduled board meeting closest to the date specified for taking office in section 34-106, Idaho Code, and shall continue for a term of three (3) years and until their successors are elected and qualified. If no director is elected and qualified at the end of an incumbent director's three (3) year term, an election shall be held at the next regular election of the irrigation district for the incumbent director's successor to hold office for the remainder of the unexpired term. This election requirement shall apply retroactively where an incumbent director remains in office on the date of the effective date of this act because the incumbent's successor was not elected and qualified in the 2012 election.

(3) Every director must be a qualified elector and a resident of the division of the director whom he is to succeed in office; provided that the bylaws may, by resolution of two-thirds (2/3) of the board and adoption by two-thirds (2/3) of the electors voting in a district election conducted in accordance with the general election laws of the state applicable to irrigation districts, set forth a provision allowing a district landowner to serve as the director from the division in which the landowner owns land, if the landowner possesses all the qualifications required of electors under the general laws of the state and has resided within fifteen (15) miles of the district for a period of at least thirty (30) days prior to the election; provided further that any landowner who owns land in more than one (1) division may serve as the director only from the division nearest which he resides.

(4) Candidates for election to the office of director of an irrigation district shall be nominated by nominating petitions on forms provided by the district. Each nominating petition shall:

- (a) Identify the name of the nominee;
- (b) Identify the office for which the nomination is made;
- (c) Identify the term for which nomination is made;
- (d) Be signed by at least six (6) electors in districts having less than one hundred (100) resident electors and by at least twelve (12) electors in districts having more than one hundred (100) resident electors; and

(e) Be filed with the secretary of the district not less than forty (40) days ~~nor~~ or more than sixty (60) days before the date of election; and the names of the persons so nominated shall be placed upon the official ballot to be furnished by the district.

(5) Each nominee shall subscribe to a nominee's oath on a form provided by the irrigation district, and shall submit the oath to the secretary of the district with the written nomination. The oath shall:

- (a) Identify the land the nominee owns within the district;
- (b) Provide the address of the nominee's residence;
- (c) Certify that the nominee meets the residency and qualification requirements of subsection (3) of this section and section 43-111, Idaho Code; and
- (d) Certify that the nominee will meet such requirements on the date of election.

The secretary of the district shall verify the qualifications of each nominee and shall, no more than seven (7) days after the close of filing, certify the qualified nominees for inclusion on the election ballot. If at any time prior to the election, circumstances change so that a nominee no longer meets the qualification requirements of section 43-111, Idaho Code, the nominee shall be disqualified, shall not take office if elected, and shall immediately file with the secretary of the district a written withdrawal of his nomination for the office of director. The secretary shall not place on the election ballot the name of any candidate that does not meet the qualification requirements of section 43-111, 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 July 1, 2022.

Approved March 21, 2022

CHAPTER 107  
(S.B. No. 1243)

AN ACT

RELATING TO THE BOARD OF ENVIRONMENTAL QUALITY; AMENDING SECTION 39-107, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE COMPOSITION OF THE BOARD AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-107, Idaho Code, be, and the same is hereby amended to read as follows:

39-107. BOARD -- COMPOSITION -- OFFICERS -- COMPENSATION -- POWERS -- SUBPOENA -- DEPOSITIONS -- REVIEW -- RULES.

- (1) (a) The board of environmental quality shall consist of seven (7) members who shall be appointed by the governor, with the advice and consent of the senate. The members shall serve at the pleasure of the governor. Each member of the board shall be a citizen of the United States, a resident of the state of Idaho, and a qualified elector, and shall be appointed to assure appropriate geographic representation of the state of Idaho. Not more than four (4) members of the board shall be from any one (1) political party. Two (2) members of the board shall be chosen with due regard to their knowledge of and interest in solid waste; two (2) members shall be chosen for their knowledge of and interest in air



quality; two (2) members shall be chosen for their knowledge of and interest in water quality; and one (1) member shall be chosen with due regard for his knowledge of and interest in air, water and solid waste issues. At least four (4) of the board members shall represent the public's interest and not derive any significant portion of their income from persons subject to air quality permits or enforcement orders.

(b) The members of the board of environmental quality shall be appointed for a term of four (4) years. In appointing members whose terms begin in 2000, the governor shall designate three (3) members to be appointed for a term of three (3) years, two (2) members appointed for a term of four (4) years, and two (2) members appointed for a term of two (2) years. Successors to the members appointed for a term of less than four (4) years shall be appointed for a term of four (4) years thereafter.

(2) The board annually shall elect a chairman, a vice chairman, and a secretary, and shall hold such meetings as may be necessary for the orderly conduct of its business, and such meetings shall be held from time to time on seventy-two (72) hours' notice of the chairman or a majority of the members. Five (5) members shall be necessary to constitute a quorum at any regular or special meeting, and the action of the majority of members present shall be the action of the board. The members of the board shall be compensated as provided in section 59-509(h), Idaho Code.

(3) The board, in furtherance of its duties under this act and under its rules, shall have the power to administer oaths, certify to official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony. The board may, if a witness refuses to attend or testify, or to produce any papers required by such subpoenas, report to the district court in and for the county in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witnesses, or the production of said papers, that the witness has been properly summoned, and that the witness has failed and refused to attend or produce the papers required by this subpoena before the board, or has refused to answer questions propounded to him in the course of said proceedings, and ask an order of said court compelling the witness to attend and testify and produce said papers before the board. The court, upon the petition of the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten (10) days from the date of the order, and then and there shall show cause why he has not attended and testified or produced said papers before the board. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the board and regularly served, the court shall thereupon order that said witness appear before the board at the time and place fixed in said order, and testify or produce the required papers. Upon failure to obey said order, said witness shall be dealt with for contempt of court.

(4) The director, his designee, or any party to the action may, in an investigation or hearing before the board, cause the deposition or interrogatory of witnesses or parties residing within or without the state, to be taken in the manner prescribed by law for like depositions and interrogatories in civil actions in the district court of this state, and to that end may compel the attendance of said witnesses and production of books, documents, papers and accounts.

(5) Any person aggrieved by an action or inaction of the department shall be afforded an opportunity for a fair hearing upon request therefor in writing pursuant to chapter 52, title 67, Idaho Code, and the rules promulgated thereunder. In those cases where the board has been granted the authority to hold such a hearing pursuant to a provision of the Idaho Code, the hearing may be conducted by the board at a regular or special meeting, or the board may designate hearing officers, who shall have the power and authority to conduct hearings in the name of the board at any time and place. In any hearing, a member of the board or a hearing officer designated by it, shall have the power to administer oaths, examine witnesses, and issue in the name of the board subpoenas requiring the testimony of witnesses and the production of evidence relevant to any matter in the hearing.

(6) Any person adversely affected by a final determination of the board, may secure judicial review by filing a petition for review as prescribed under the provisions of chapter 52, title 67, Idaho Code. The petition for review shall be served upon the chairman of the board, the director of the department, and upon the attorney general of the state of Idaho. Such service shall be jurisdictional and the provisions of this section shall be the exclusive procedure for appeal.

(7) The board, by the affirmative vote of four (4) of its members, may adopt, amend or repeal the rules, codes, and standards of the department, that are necessary and feasible in order to carry out the purposes and provisions of this act and to enforce the laws of this state. The rules and orders so adopted and established shall have the force and effect of law and may deal with any matters deemed necessary and feasible for protecting the environment of the state.

(8) All rulemaking proceedings and hearings of the board shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(9) The board shall adopt contested case rules that are consistent with the rules adopted by the attorney general under section 67-5206(4), Idaho Code, the provisions of this act and other statutory authority of the department.

(10) All rules, permits and other actions heretofore adopted, issued or taken by the board of health and welfare pertaining to the environmental protection functions administered by the division of environmental quality shall remain in full force and effect until superseded.

(11) The board of environmental quality shall be the successor to all rights, powers and duties of the board of health and welfare regarding all rulemaking proceedings, administrative proceedings, contested cases, civil actions, contracts, delegations, authority and other matters pertaining to environmental protection functions administered by the division of environmental quality.

(12) Upon creation of the board of environmental quality, all pending business before the board of health and welfare relating to environmental protection functions administered by the division of environmental quality shall be transferred to and determined by the board of environmental quality.

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, 2022.

Approved March 21, 2022

CHAPTER 108  
(H.B. No. 654)

AN ACT

RELATING TO SCHOOL COUNSELORS; AMENDING SECTION 33-1212, IDAHO CODE, TO ALLOW FOR CERTAIN PROFESSIONALS TO WORK AS SCHOOL COUNSELORS AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1212, Idaho Code, be, and the same is hereby amended to read as follows:

33-1212. SCHOOL COUNSELORS. (1) In recognition of the diverse and complicated demands upon students, their families and the public school system, the legislature finds that counseling offered at Idaho public schools should be flexible and responsive. For purposes of counselor services, a counselor shall be defined as an individual who meets the requirements of an approved program of graduate study in school guidance and counseling from a college or university approved by the Idaho state board of education and who meets the requirements of rules adopted by the board, or an individual licensed as provided by chapter 32, title 54, Idaho Code, as a certified social worker or otherwise licensed as a licensed professional counselor or licensed clinical professional counselor as provided by chapter 34, title 54, Idaho Code, and who meets the requirements of the state board of education.

(2) School counselors spend most of their time in direct service to and contact with students. School counselors' duties are focused on the overall delivery of guidance, individual student planning and responsive services. A small amount of their time is devoted to indirect services called system support.

(3) The state board of education shall adopt rules to implement the provisions of this section, and shall specifically provide that certified social workers, licensed professional counselors, and licensed clinical professional counselors meet the requirement for school counselors. A local school district may request a waiver from the state board of education of the counselor/counseling requirements, provided that data is submitted to and annually approved by the state department of education to substantiate that the intent of the board's rules in these areas is being met by an alternative program model.

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, 2022.

Approved March 22, 2022

CHAPTER 109  
(S.B. No. 1304)

AN ACT

RELATING TO CORONERS; AMENDING SECTION 31-2808, IDAHO CODE, TO PROVIDE AN EXCEPTION REGARDING FINAL DISPOSITION OF BODIES AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-2808, Idaho Code, be, and the same is hereby amended to read as follows:

31-2808. MAKING FINAL DISPOSITION OF DEAD HUMAN BODIES PROHIBITED. No coroner or person acting as coroner who is a licensed funeral director or a licensed mortician, owner, proprietor, or employee of any establishment engaged in making final disposition of dead human bodies, and no establishment with which such coroner or person acting as coroner is associated, shall, except for ambulance services, perform any of the services of a funeral director or mortician or furnish any materials connected with or incidental to the final disposition of the body of any person whose death is required by law to be investigated by such coroner or other person acting in that capacity. Any person who violates this section shall be guilty of a misdemeanor. Provided, however, that the provisions of this section shall not be applicable in counties wherein there is only one (1) licensed funeral establishment or in counties with a population of fewer than twenty thousand (20,000) people according to the most recent federal census.

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

Approved March 22, 2022

CHAPTER 110  
(S.B. No. 1254, As Amended)

AN ACT

RELATING TO THE REGIONAL AIR QUALITY COUNCIL ACT; REPEALING SECTION 39-116B, IDAHO CODE, RELATING TO A VEHICLE INSPECTION AND MAINTENANCE PROGRAM; AMENDING THE HEADING FOR CHAPTER 67, TITLE 39, IDAHO CODE; AMENDING SECTION 39-6701, IDAHO CODE, TO REMOVE A PROVISION REGARDING THE TREASURE VALLEY AIR QUALITY COUNCIL; REPEALING SECTION 39-6702, IDAHO CODE, RELATING TO THE ESTABLISHMENT OF THE TREASURE VALLEY AIR QUALITY COUNCIL; AMENDING CHAPTER 67, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6702, IDAHO CODE, TO PROVIDE FOR AIR QUALITY REVIEW; REPEALING SECTION 39-6703, IDAHO CODE, RELATING TO THE ESTABLISHMENT OF A REGIONAL AIR QUALITY COUNCIL; AMENDING CHAPTER 67, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6703, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF REGIONAL AIR QUALITY COUNCILS; AMENDING SECTION 39-6705, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE TREASURE VALLEY AIR QUALITY COUNCIL, TO DEFINE A TERM, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-6706, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE TREASURE VALLEY AIR QUALITY COUNCIL AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 39-6707, IDAHO CODE, RELATING TO MEMBERSHIP OF THE TREASURE VALLEY AIR QUALITY COUNCIL; REPEALING

SECTION 39-6709, IDAHO CODE, RELATING TO THE DUTIES OF THE TREASURE VALLEY AIR QUALITY COUNCIL; AMENDING SECTION 39-6710, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE TREASURE VALLEY AIR QUALITY COUNCIL AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 39-6711, IDAHO CODE, RELATING TO THE TREASURE VALLEY AIR QUALITY PLAN; REPEALING SECTION 39-6712, IDAHO CODE, RELATING TO IMPLEMENTATION OF THE TREASURE VALLEY AIR QUALITY PLAN; REPEALING SECTION 39-6713, IDAHO CODE, RELATING TO THE TREASURE VALLEY AIR QUALITY TRUST FUND; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-116B, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That the Heading for Chapter 67, Title 39, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 67  
~~TREASURE VALLEY AND REGIONAL AIR QUALITY COUNCIL ACT~~

SECTION 3. That Section 39-6701, Idaho Code, be, and the same is hereby amended to read as follows:

39-6701. LEGISLATIVE STATEMENT OF FINDINGS AND INTENT. (1) The legislature finds that the air quality in certain regions of the state is threatened with deterioration. This deterioration may endanger the breathability, economic potential, public health, natural beauty, recreational use and livability in various regions of the state. It is the intent of the legislature in establishing this chapter to preserve and protect the air quality of the entire state.

(2) The legislature declares that it is necessary to embark upon a program of air quality protection for future generations of Idahoans. This chapter ~~establishes a treasure valley air quality council and also allows~~ for the creation of regional air quality councils as necessary to protect, preserve and, where necessary, improve the quality of air in a specified geographical area while accommodating private, public and commercial activities. The plan developed by an air quality council as set forth in this chapter shall require a working partnership of state and local agencies of government as well as the private sector.

SECTION 4. That Section 39-6702, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 67, 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 39-6702, Idaho Code, and to read as follows:

39-6702. AIR QUALITY REVIEW. (1) The department of environmental quality shall annually review and determine whether the three (3) year design value equal to or above eighty-five percent (85%) of a national ambient air quality standard, as defined by the United States environmental protection agency, is met in certain regions of the state.

(2) If the three (3) year design value is equal to or above eighty-five percent (85%) of a national ambient air quality standard, the department of environmental quality shall evaluate potential further air quality deterioration and determine whether to make a recommendation to the legislature that a regional air quality advisory committee should be formed and devoted to evaluating air pollution reduction actions.

SECTION 6. That Section 39-6703, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 67, 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 39-6703, Idaho Code, and to read as follows:

39-6703. ESTABLISHMENT OF REGIONAL AIR QUALITY COUNCILS. (1) The legislature, upon receipt of the air quality review and recommendation from the department of environmental quality, may form regional air quality councils as needed to evaluate air pollution reduction actions.

(2) Each regional air quality council shall be independently created by the legislature pursuant to subsection (1) of this section and, upon creation, shall be located within the Idaho department of environmental quality.

(3) The governor shall appoint members to regional air quality councils in accordance with the provisions of section 39-6708, Idaho Code.

(4) It shall be the responsibility of any council established under this chapter to develop a plan and carry out the duties established by this chapter. The council shall be assisted in its work by the department of environmental quality and other appropriate state and local agencies as needed.

SECTION 8. That Section 39-6705, Idaho Code, be, and the same is hereby amended to read as follows:

39-6705. DEFINITIONS. Whenever used in this chapter:

(1) "Air pollution" means air pollution as defined in section 39-103, Idaho Code.

(2) "Air quality plan" means the comprehensive, air quality management plan for a specified regional area as developed and modified by a regional air quality council.

(3) "Citizens committee" means the committee consisting of members of the public created pursuant to section 39-6704, Idaho Code, by an air quality council established under the provisions of this chapter.

(4) "Council" means a regional air quality council established pursuant to this chapter.

(5) "Local governing agency" means a county or city government agency.

(6) "Specified regional area" means a county or counties, or a defined geographical area, where air quality is threatened.

(7) "Study" means the comprehensive, scientifically-based scientifically based study of air quality in a specified regional area including the study of air quality in the Treasure Valley.

(8) ~~"Treasure Valley" means the geographic boundaries encompassed by Ada and Canyon counties.~~

~~(9) "Treasure Valley air quality council" means the regional air quality council established in section 39-6702, Idaho Code.~~

~~(10) "Treasure Valley air quality plan" means the comprehensive, air quality management plan for Ada and Canyon counties as developed and modified by the Treasure Valley air quality council. "Three (3) year design value" or "design value" means the statistic that describes the air quality status of a given location relative to the level of the national ambient air quality standards. A three (3) year design value is the statistic calculated using three (3) years of ambient air quality data.~~

SECTION 9. That Section 39-6706, Idaho Code, be, and the same is hereby amended to read as follows:

39-6706. DECLARATION OF POLICIES AND PURPOSES. ~~The Treasure Valley air quality council, and a~~Any regional air quality council established pursuant to this chapter, shall develop and implement an air quality plan in accordance with the environmental protection and health act, sections 39-101 through 39-130, Idaho Code, that includes:

- (1) The compilation of all historical data on air quality studies in the ~~Treasure Valley, or in a~~ specified regional area;
- (2) An assessment of present and projected emissions ~~related to the Treasure Valley, or related to a~~ the specified regional area;
- (3) The completion of a comprehensive, scientifically-based scientifically based study of air quality in the ~~Treasure Valley, or in a~~ specified regional area;
- (4) A description of actions to be taken by governmental agencies and nongovernmental entities to protect, preserve and, when necessary, improve the air quality in the ~~Treasure Valley, or in a~~ specified regional area; and
- (5) The submittal of an air quality management plan to the legislature which ~~that~~ may reject the plan in whole or in part pursuant to a concurrent resolution. ~~The Treasure Valley air quality council, and a~~Any regional air quality council established pursuant to this chapter, shall assist and coordinate the implementation of the accepted plan with federal, state, and local authorities for seven (7) years after acceptance, after which ~~the Treasure Valley air quality council, or any regional air quality council,~~ and its committees shall disband.

SECTION 10. That Section 39-6707, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Section 39-6709, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Section 39-6710, Idaho Code, be, and the same is hereby amended to read as follows:

39-6710. QUORUM -- PROCEDURES. (1) A majority of the members of the ~~Treasure Valley air quality council, or a~~ regional council, shall constitute a quorum for the transaction of business. A majority vote of the members present shall be required to take action with respect to any matter.

(2) ~~The Treasure Valley air quality council, or a~~ A regional council, may adopt its own operating rules and procedures, which shall be made available to the public.

SECTION 13. That Section 39-6711, Idaho Code, be, and the same is hereby repealed.

SECTION 14. That Section 39-6712, Idaho Code, be, and the same is hereby repealed.

SECTION 15. That Section 39-6713, Idaho Code, be, and the same is hereby repealed.

SECTION 16. This act shall be in full force and effect on and after July 1, 2023.

Approved March 22, 2022

CHAPTER 111  
(S.B. No. 1335)

AN ACT

RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 5-241, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 6-405, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 6-703, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 6-1204, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 6-1205, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 6-1206, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 9-334, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 14-530, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 14-531, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 87, TITLE 18, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 289, LAWS OF 2021, TO REDESIGNATE THE CHAPTER AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 19-4705, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-2120, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-208, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-212, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-1004, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-1007, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-2015, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3503B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-4815, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-138, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 207, LAWS OF 2021, TO REDESIGNATE THE SECTION; AMENDING SECTION 33-205, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE; AMENDING SECTION 33-1201A, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 33-2101A, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 35-104, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 35-109, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 35-202, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 35-304, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-2006, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 54-2105, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 57-825, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 3, LAWS OF 2021, TO REDESIGNATE THE SECTION; AMENDING SECTION 63-3022, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-450D, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7103, IDAHO CODE, TO REMOVE SURPLUS PUNCTUATION; AMENDING SECTION 74-117, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 74-120, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 74-123, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 5-241, Idaho Code, be, and the same is hereby amended to read as follows:

5-241. ACCRUAL OF ACTIONS ARISING OUT OF THE DESIGN OR CONSTRUCTION OF IMPROVEMENT TO REAL PROPERTY. (1) Actions will be deemed to have accrued and the statute of limitations shall begin to run as to actions against any person by reason of his having performed or furnished the design, planning, supervision, or construction of an improvement to real property, as follows:



(a) Tort actions, if not previously accrued, shall accrue and the applicable limitation statute shall begin to run six (6) years after the final completion of construction of such an improvement; and

(b) Contract actions shall accrue and the applicable limitation statute shall begin to run at the time of final completion of construction of such an improvement.

(2) The times fixed by these ~~these~~ this sections shall not be asserted by way of defense by any person in actual possession or control, as owner, tenant, or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of an injury or death for which it is proposed to bring an action.

(3) Nothing in this section shall be construed as extending the period prescribed by the laws of this state for the bringing of any action.

(4) As used in this section, the term "person" shall mean an individual, corporation, partnership, business trust, unincorporated organization, association, or joint stock company.

SECTION 2. That Section 6-405, Idaho Code, be, and the same is hereby amended to read as follows:

6-405. ORDER FOR SURVEY AND EXAMINATION. (1) Any person having a bona fide claim to the possession of, title of, or interest in, any real property or mining claim, including any ledges thereof, ~~which that is~~, or ~~which that~~ he has good reason to believe is, in the possession of another, either by surface or underground holdings or workings, and it is necessary for the ascertainment, enforcement or protection of such rights or interests, that an examination or survey of such property be had, and the person so in the possession thereof fails or refuses for three (3) days after demand on him made in writing, to permit such examination or survey to be made, the party desiring the same may apply to the court or the judge thereof, whether he have an action concerning such property pending in such court or not, for an order for such examination and survey.

(2) Such application must be made upon written petition or statement under oath, setting out a description of the property, interest of the party therein, that the premises are in the possession of a party, naming him, the reason why such survey or examination is asked, the demand made for same, and refusal thereof.

(3) The court or judge must appoint a time and place for hearing, of which notice, with a copy of the petition, must be served upon the adverse party at least three (3) days before the hearing and one (1) additional day for each twenty-five (25) miles between the place of service of notice and the hearing, and such hearing must be had and the testimony must be produced in the same manner as provided by section 8-411, Idaho Code, for hearings on injunctions.

(4) If upon such hearing the court or judge is satisfied that either party is entitled to any relief or order for examination or survey of any property in the possession of the other, which has, by the papers in the proceedings been put in controversy, an order must be granted for such examination, survey and other privileges as the court or judge may deem just, and the order must specify as nearly as possible what the person in whose favor such order is granted may do.

(5) Thereupon, such person may have free access, with such agents and assistants as may be allowed, to all parts of such property, with right to remove any loose rock, debris or other obstacle, when the same is necessary to the making of a full inspection or survey of such property, but no such removal must be made without the consent of the adverse party or the order of the court or judge permitting the same.

(6) The court or judge may also, upon proper showing with a view of producing such evidence as may be needed to determine the rights of the parties, allow work to be done on such property, but any work so permitted must be allowed only after the same is particularly defined, and must not be allowed in such manner as to interfere with the workings of the adverse party, and then only when the court is satisfied the adverse party is acting in bad faith and is infringing, or attempting so to do, upon the rights of the party asking to do such work, and when there is no other reasonable or convenient mode for the production of the evidence necessary to settle the rights of the parties.

(7) The party so asking to do work upon the premises of, or in the possession of another, must give good and sufficient security for the payment of all damages he may do the adverse party by reason of such work, and the court or judge must at every stage of the proceedings have due regard for the rights of all parties in interest.

SECTION 3. That Section 6-703, Idaho Code, be, and the same is hereby amended to read as follows:

6-703. JUDGMENT A BAR TO SECOND ACTION. A judgment in any jurisdiction for or against the plaintiff upon the substantive merits of any action for damages founded upon a single publication or exhibition or utterance as described in section 6-702, Idaho Code, shall bar any other action for damages by the same plaintiff against the same defendant founded upon the same publication or exhibition or utterance.

SECTION 4. That Section 6-1204, Idaho Code, be, and the same is hereby amended to read as follows:

6-1204. DUTIES OF A GUIDE. Any guide providing personal services for an outfitter in this state shall conform to the standard of care expected of members of his profession, and he shall comply with all duties and requirements placed on him by chapter 21, title 36, Idaho Code, and by the rules promulgated by the Idaho outfitters and guides licensing board created by chapter 21, title 36, Idaho Code.

SECTION 5. That Section 6-1205, Idaho Code, be, and the same is hereby amended to read as follows:

6-1205. DUTIES OF PARTICIPANTS. It is recognized that some recreational activities conducted by outfitters and guides are hazardous to participants regardless of all feasible safety measures which that can be taken. Participants shall have a duty to act as would a reasonably prudent man when engaging in recreational activities offered by licensed outfitters and guides in this state. Participants shall have a duty not to:

(a1) Do any act which shall that interferes with the running or operation of an outfitter's or guide's activities, when such activities conform to the rules of the Idaho outfitters and guides licensing board and to the requirements of chapter 21, title 36, Idaho Code;

(b2) Use any outfitter's or guide's equipment or facilities or services if the participant does not have the ability to use such facilities or equipment or services safely without instructions until the participant has requested and received sufficient instruction to permit safe usage;

(e3) Engage in any harmful conduct, or willfully or negligently engage in any type of conduct which that contributes to or causes injury to any person;

(d4) Embark on any self-initiated activity without first informing the outfitter or guide of his intentions and receiving permission from the outfitter or guide to engage in such self-initiated activity.

SECTION 6. That Section 6-1206, Idaho Code, be, and the same is hereby amended to read as follows:

6-1206. LIABILITY OF OUTFITTERS AND GUIDES. (a~~1~~) No licensed outfitter or guide acting in the course of his employment shall be liable to a participant for damages or injuries to such participant unless such damage or injury was directly or proximately caused by failure of the outfitter or guide to comply with the duties placed on him by chapter 21, title 36, Idaho Code, or by the rules of the Idaho outfitters and guides licensing board, or by the duties placed on such outfitter or guide by the provisions of this chapter.

(b~~2~~) The limitations on liability created by this chapter shall apply only to outfitters or guides appropriately licensed under the provisions of chapter 21, title 36, Idaho Code, and only when the outfitter or guide is acting within the course of his employment. In the event that there is damage or injury to a participant by the action of an outfitter or guide, and there is no exemption for liability for such outfitter or guide under the provisions of this act chapter, the rules of negligence and comparative negligence existing in the laws of the state of Idaho shall apply.

SECTION 7. That Section 9-334, Idaho Code, be, and the same is hereby amended to read as follows:

9-334. COPIES OF RECORDS TO BE IN DUPLICATE -- ONE COPY FOR DISPLAY PURPOSES, THE OTHER PLACED IN FIREPROOF VAULT. Whenever any record or document is copied or reproduced by microphotographic, ~~or~~ microfilm, or other mechanical process as herein provided in this section, it shall be made in duplicate, and the custodian thereof shall place one copy in a fireproof vault or fireproof storage place, and he shall retain the other copy in his office with suitable equipment for displaying such record by projection to not less than its original size or for preparing, for persons entitled thereto, ~~te~~ copies of the record.

SECTION 8. That Section 14-530, Idaho Code, be, and the same is hereby amended to read as follows:

14-530. REQUESTS FOR REPORTS AND EXAMINATION OF RECORDS. (1) The administrator may require any person who has not filed a report to file a verified report stating whether or not the person is holding any unclaimed property reportable or deliverable under this chapter.

(2) The administrator, at reasonable times and upon reasonable notice, may examine the records of any person to determine whether the person has complied with the provisions of this chapter. The administrator may conduct the examination even if the person believes it is not in possession of any property reportable or deliverable under the provisions of this chapter.

(3) If a person is treated under section 14-512, Idaho Code, as the holder of the property only insofar as the interest of the business association in the property is concerned, the administrator, pursuant to subsection (2) of this section, may examine the records of the person if the administrator has given the notice required by subsection (2) of this section to both the person and the business association at least ninety (90) days before the examination.

(4) If a holder fails to maintain the records required by section 14-531, Idaho Code, and the records of the holder available for the periods subject to this chapter and are insufficient to permit the preparation of a report, the administrator may require the holder to report and pay such amounts as may reasonably be estimated from any available records.

SECTION 9. That Section 14-531, Idaho Code, be, and the same is hereby amended to read as follows:

14-531. RETENTION OF RECORDS. (1) Every holder of unclaimed property under this chapter, as to any property for which it has obtained the last known address of the owner, shall maintain a record of the name and last known address of the owner for seven (7) years after the year in which the property becomes unclaimed, except to the extent that a shorter time as is provided in subsection (2) of this section or by rule of the administrator.

(2) Any business association that sells in this state its travelers checks, money orders, or other similar written instruments, other than third-party bank checks on which the business association is directly liable, or that provides such instruments to others for sale in this state, shall maintain a record of those instruments while they remain outstanding, indicating the state and date of issue for three (3) years after the year in which the property becomes unclaimed.

SECTION 10. That Chapter 87, Title 18, Idaho Code, as enacted by Section 1, Chapter 289, Laws of 2021, be, and the same is hereby amended to read as follows:

CHAPTER 878  
FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT

18-87018801. 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.

18-87028802. 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.

18-87038803. 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.

18-87048804. 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.

18-87058805. 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.

18-87068806. 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.

18-87078807. 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 18-87038803 or 18-87048804, Idaho Code.

18-87088808. 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.

SECTION 11. 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 public shooting range fund as provided in section 36-418, Idaho Code. account

(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 any of the provisions of chapter 71, title 67, Idaho Code, 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 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 12. That Section 26-2120, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(b) Two (~~two~~2) borrowers are "associated" for the purposes of this section if any of the following factors are present:

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

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

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



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

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

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

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

SECTION 13. That Section 31-208, Idaho Code, be, and the same is hereby amended to read as follows:

31-208. VOTING FOR REMOVAL OF COUNTY SEAT. The voting for the removal of any county seat shall be by ballot, and each ballot shall have printed or written thereon the words stated in section 31-214, Idaho Code. Such ballot shall be smaller than the general election ballots, and shall be officially stamped, and there shall be printed or written thereon the words "county seat ballot," and any elector who is registered as provided in title 34 provided, Idaho Code, and who, in addition to being qualified to vote for county officers, has resided in the county six (6) months and in the precinct ninety (90) days, shall be permitted to vote for or against the removal of the county seat, by handing to one (1) of the judges of election a county seat ballot, at the same time announcing that he is entitled to vote on the question of the removal of the county seat. If the judges of election are of the opinion that the said elector is entitled to vote on the question of the removal of the county seat, his ballot shall then be deposited in the ballot box, and the clerks of election shall write opposite his name in brackets the words "county seat" or "county division," as the case may be.

SECTION 14. That Section 31-212, Idaho Code, be, and the same is hereby amended to read as follows:

31-212. CHANGING COUNTY BOUNDARIES. Whenever the boards of county commissioners of affected counties have by joint ordinance provided that a part of an affected county be stricken off from said county and annexed to an adjoining affected county, the provisions of the constitution being complied with, the qualified electors who have resided ninety (90) days next preceding the first general election after the passage of this chapter within the boundary lines of the territory stricken off and annexed, shall be permitted to vote at said general election, for or against said annexation. If a majority of said electors voting at said election vote in favor of annexation, said territory is then stricken off and annexed, as provided in this chapter: provided, that all the requirements of the constitution have been complied with. If such annexation and change of county boundaries occur, the legislature, at its next regular session, shall redefine the boundaries of the affected counties as set forth in the Idaho Code to conform therewith. The county recorder of the county from which the territory is to be detached may have clearly reproduced by photographing or filming in accordance with the provisions of sections 9-328, 9-329, and 9-330, Idaho Code, into permanent records, all instruments, papers and other matters and things relating to or affecting real property in the territory being detached and annexed. When the costs have been determined for the transcribing and indexing of all instruments, documents, records, maps, papers, and all other matters relating to or affecting the property in the territory to be annexed, which must be transferred to the annexing county, and the copying and preparing

for transfer of all pleadings, court records, and other papers in all court actions and court proceedings to be transferred to the annexing county, the board of county commissioners of the county annexing the detached territory shall cause county warrants to be drawn to pay all such costs; said warrants so drawn shall be paid by a tax to be assessed upon all property within the territory being annexed.

SECTION 15. That Section 31-1004, Idaho Code, be, and the same is hereby amended to read as follows:

31-1004. STATUTES GOVERNING ELECTION AND BOND ISSUE. The board shall be governed in calling and holding said election, and in the issuance and sale of said bonds, and in providing for the payment of the interest thereon, and for their redemption, by the provisions of sections 31-1901 ~~to~~ through 31-1909, Idaho Code.

SECTION 16. That Section 31-1007, Idaho Code, be, and the same is hereby amended to read as follows:

31-1007. JOINT SITES AND BUILDINGS -- INDEBTEDNESS. Counties and cities operating under sections 31-1005 and 31-1006, Idaho Code, are hereby authorized and empowered to incur indebtedness and issue bonds for any of the purposes authorized hereby in the same manner in which they are now or hereafter may be authorized by law to incur indebtedness and issue bonds for similar purposes.

SECTION 17. That Section 31-2015, Idaho Code, be, and the same is hereby amended to read as follows:

31-2015. BONDS OF OFFICERS -- AMOUNT OF PENALTY. County~~r~~ and district officers must execute official bonds in the following amounts:

(1-) County commissioners each in the sum of five thousand dollars (\$5,000-);

(2-) County treasurers each in double the probable amount of money that may at any time come into his hands as such treasurer, to be fixed by the board of county commissioners: provided, if surety bond ~~be is~~ given as provided in section 41-2707, Idaho Code, the bond need not exceed twenty-five per-cent percent (25%) of the probable amount that may be at hand at any one time, but in no case to be less than ten thousand dollars (\$10,000-);

(3-) Sheriffs each in the sum of ten thousand dollars (\$10,000-);

(4-) Clerks of the district court each in the penal sum of five thousand dollars (\$5,000), with two (2) sufficient sureties, to be approved by the judge of the district conditioned that he will faithfully perform the duties of his office and at all times account for and pay over all moneys in his hands as clerk; and the penalty of such bond may at any time be increased by the judge of the district. The clerk may require a bond from any deputy~~r~~;

(5-) County recorders each in the sum of not less than five thousand dollars (\$5,000) nor more than twenty thousand dollars (\$20,000), to be fixed by the board of county commissioners, and to cover his duties and liabilities as recorder, auditor, and clerk of the board of county commissioners-;

(6-) Assessors each in the sum of five thousand dollars (\$5,000-);

(7-) Tax collectors and license collectors each in the sum of not less than two thousand dollars (\$2,000) nor more than fifty thousand dollars (\$50,000) to be fixed by the board of county commissioners~~r~~;

(8-) Prosecuting attorneys each in the sum of two thousand dollars (\$2,000-);

(9.) Coroners each in the sum of one thousand dollars (\$1,000.);  
(10.) Public administrators each in the sum of two thousand dollars (\$2,000.); and  
(11.) Constables in the sum of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), to be fixed by the board of county commissioners.

SECTION 18. That Section 31-3503B, Idaho Code, be, and the same is hereby amended to read as follows:

31-3503B. RECIPROCAL AGREEMENTS -- OUT-OF-STATE TREATMENT. (1) The governor of the state of Idaho or his or her designee is empowered to negotiate reciprocal agreements with other states for the provision of necessary medical services for residents of this and other states.

(2) No payment shall be made for necessary medical services to an out-of-state provider unless a reciprocal agreement has been entered into by the governor of this state, or unless contracted for pursuant to sections 31-3520 and 31-35221, Idaho Code.

SECTION 19. That Section 31-4815, Idaho Code, be, and the same is hereby amended to read as follows:

31-4815. CREATION OF THE IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION -- TERMS. (1) There is hereby created in the military division an Idaho public safety communications commission (hereinafter referred to as "the commission") with the purposes identified in section 31-4801(2)(d), Idaho Code.

(2) Notwithstanding any other provision of law to the contrary, the commission shall, upon being constituted, exercise its powers and duties in accordance with the provisions of this section relative to consolidated emergency communications and interoperable public safety communications and data systems in this state established by enactment of the legislature or by private act.

(3) All members of the commission will be appointed by the governor and will serve at the pleasure of the governor.

(4) The commission shall be composed of eighteen (18) voting members. The statewide interoperability coordinator of the Idaho ~~bureau of homeland security office of emergency management~~ will not be a member of the commission, but shall report quarterly to the commission.

(5) Appointment by the governor will include the following voting members:

(a) The director of the Idaho ~~bureau of homeland security office of emergency management~~ or a designated representative and the director of the Idaho state police or a designated representative.

(b) The chair of the Idaho technology authority and one (1) legislator selected by joint approval from the speaker of the house of representatives and the president pro tempore of the senate.

(c) The governor will receive suggested names of candidates and alternates for representation from the following and will appoint at his own discretion one (1) representative as a voting member from each: one (1) member representing the association of Idaho cities, one (1) member representing the Idaho association of counties, two (2) members representing the Idaho sheriffs' association, one (1) member representing the Idaho chiefs of police association, one (1) member representing the Idaho fire chiefs association, one (1) member representing the Idaho health and welfare department's state emergency medical services communications center, and one (1) member representing the Native American tribes of the state.

(d) Six (6) district interoperable governance board (DIGB) representatives. Each district shall select from the following to represent its district: a county commissioner, sheriff, mayor, chief of police, fire service chief, public safety answering point manager, public safety technology manager or emergency medical services manager.

(6) Commission representatives shall be appointed by the governor as follows:

(a) Each association, entity or DIGB shall select one (1) primary and one (1) alternate candidate to represent the association, entity or DIGB. Following administrative procedures guidelines, both names shall be submitted to the administrative agency responsible for these tasks, which is the Idaho bureau of homeland security office of emergency management, within thirty (30) days after a term expires or a vacancy occurs. The Idaho bureau of homeland security office of emergency management will then forward each entity's names to the governor for consideration and appointment to the commission.

(b) Should any association, entity or DIGB fail to submit the names of the candidate and the alternate as directed in this subsection, the commission shall select a candidate and alternate from the association, entity or district and submit those names to the governor for consideration and appointment to the commission.

(7) Except as provided in this subsection, members of the commission shall be appointed to a term of four (4) years. The following members shall be appointed to an initial term of two (2) years: the member representing the Idaho fire chiefs association, the member representing the Idaho chiefs of police association, one (1) member representing the Idaho sheriffs' association, the member representing the Idaho department of health and welfare emergency medical services communications center, the member representing the Native American tribes, the member from the state legislature, the chair of the Idaho technology authority, and the representatives of DIGBs one, three and five. The remaining members appointed by the governor shall be appointed for an initial term of four (4) years. Thereafter, all terms shall be for a period of four (4) years.

(8) The commission shall recommend to the governor a list of candidates to be appointed to a ~~four-year~~ four (4) year term as chair. The governor shall appoint the chair from the list of candidates. The commission shall elect a ~~vice-chair~~ vice chair and such officers as it may deem necessary and appropriate. The commission shall meet at least annually and at the call of the chair. Members of the commission shall be compensated as provided in section 59-509(b), Idaho Code. Compensation shall be paid from the emergency communications fund created in section 31-4818, Idaho Code.

SECTION 20. That Section 33-138, Idaho Code, as enacted by Section 1, Chapter 207, Laws of 2021, be, and the same is hereby amended to read as follows:

~~33-13840~~. REPORT -- HIGH-PERFORMING SCHOOLS AND TEACHERS. In the first week of the regular legislative session in 2022, the state board of education shall present to the legislature a statewide strategy for defining and rewarding high-performing schools and teachers for growth in student achievement. The strategy should consider:

- (1) How to incentivize, encourage, and recognize schools and teachers, along with their communities, for dedicated and high-quality work; and
- (2) Ways to reduce disincentives to excel in student achievement.

SECTION 21. 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 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 possessed a deadly or dangerous weapon or firearm on school property, 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.

(2) 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 student who has been found to have possessed a firearm on school property in this state or any other state. The board may modify such expulsion or denial of enrollment requirement on a case-by-case basis when the board determines reasonable conditions apply and the student's presence is not detrimental to the health and safety of other students. 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.

(3) ~~(2)~~ No pupil shall be expelled 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 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 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.

(4) ~~(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, 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.

(5) 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.

(6) As used in this section, "possess," "deadly or dangerous weapon," and "firearm" have the same meanings as provided in section 18-3302D, Idaho Code.

SECTION 22. That Section 33-1201A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1201A. IDAHO PROFESSIONAL ENDORSEMENT -- ELIGIBILITY. (1) Any instructional staff employee or any pupil service staff employee will receive mentoring as outlined in such employee's individualized professional learning plan during the initial three (3) years of holding such certificate. Upon holding a certificate for three (3) years, any such instructional staff or pupil service staff employee may apply for an Idaho professional endorsement. Upon holding a professional endorsement for five (5) years or more, any such instructional staff or pupil service staff employee may apply for an Idaho advanced professional endorsement. Individuals who hold an instructional staff certificate and a pupil service staff certificate shall have their experience based on the overall years of experience if held consecutively or the certificate they have held the longest if dually certificated.

(2) To be eligible for an Idaho professional endorsement, the instructional staff or pupil service staff employee must:

(a) Have held a certificate and been employed in a public school for at least three (3) years or have completed a state board of education-approved interim certificate of three (3) years or longer;

(b) Show they met the professional compensation rung performance criteria for two (2) of the three (3) previous years or the third year;

(c) Have a written recommendation from the employing school district; and

(d) Have an annual individualized professional learning plan developed in conjunction with the employee's school district supervisor.

Instructional staff employees may provide additional evidence demonstrating effective teaching that may be considered in exceptional cases for purposes of determining proficiency and student achievement in the event required standards for professional endorsement are not met. Pupil service staff employees may provide additional evidence demonstrating effective student achievement or success that may be considered in exceptional cases for purposes of determining proficiency and student achievement or success in the event required standards for professional endorsement are not met.

(3) To be eligible for an Idaho advanced professional endorsement, the instructional staff or pupil service staff employee must:

(a) Have held a renewable certificate and been employed in a public school for at least eight (8) years or more or have completed a state board of education-approved interim certificate of three (3) years or longer and held a renewable certificate and been employed in a public school for five (5) years or more;

- (b) Show they met the professional compensation rung performance criteria for four (4) of the five (5) previous years or the third, fourth, and fifth year;
- (c) During three (3) of the previous five (5) years, have served in an additional building or district leadership role in an Idaho public school, including but not limited to:
  - (i) Instructional specialist or instructional coach;
  - (ii) Mentor;
  - (iii) Curriculum or assessment committee member;
  - (iv) Team or committee leadership position;
  - (v) Data coach; or
  - (vi) Other leadership positions identified by the school district;
- (d) Have a written recommendation from the employing school district;
- (e) Have an annual individualized professional learning plan developed in conjunction with the employee's supervisor and a self-evaluation; and
- (f)
  - (i) Effective July 1, 2020, through June 30, 2021, show they have met the advanced professional compensation rung performance criteria for three (3) of the five (5) previous years or the fifth year;
  - (ii) Effective July 1, 2021, through June 30, 2022, show they have met the advanced professional compensation rung performance criteria for three (3) of the five (5) previous years or the fourth and fifth year; or
  - (iii) Effective July 1, 2022, show they have met the advanced professional compensation rung performance criteria for three (3) of the five (5) previous years.

Instructional staff employees may provide additional evidence demonstrating effective teaching that may be considered in exceptional cases for purposes of determining proficiency and student achievement in the event required standards for the advanced professional endorsement are not met. Pupil service staff employees may provide additional evidence demonstrating effective student achievement or success that may be considered in exceptional cases for purposes of determining proficiency and student achievement or success in the event required standards for the advanced professional endorsement are not met.

(4) Instructional staff and pupil service staff who have been certified in another state and have not previously held certification in the state of Idaho shall be eligible for the professional endorsement if they:

- (a) Have a written recommendation from the employing school district;
- (b) Have worked in a certificated position in a compact-member state other than Idaho pursuant to section 33-4104, Idaho Code; and
- (c) Would have been eligible to work in a certificated position in an Idaho public school based on that certification for three (3) to eight (8) years.

(5) Instructional staff and pupil service staff who have been certified in another state and have not previously held certification in the state of Idaho shall be eligible for the advanced professional endorsement if they:

- (a) Have a written recommendation from the employing school district;
- (b) Have worked in a certificated position in a compact-member state other than Idaho pursuant to section 33-4104, Idaho Code; and
- (c) Would have been eligible to work in a certificated position in an Idaho public school based on that certification for nine (9) years or more.

(6) Instructional staff and pupil service staff who have worked in an accredited private school and maintained their instructional or pupil service staff certification may use their years of private school work experience to meet the years of experience requirements for the professional and advanced professional endorsement. Such staff may provide additional evidence demonstrating effective teaching that may be considered in exceptional cases for purposes of determining proficiency and student achievement requirements for professional and advanced professional eligibility criteria.

(7) Individuals holding a professional endorsement or an advanced professional endorsement will be annually evaluated in at least two (2) domains in the state evaluation framework approved by the state board of education. All other instructional or pupil service staff employees must be evaluated across all domains in the evaluation framework. Ratings in domain 2 or domain 3 are required as part of the advanced professional compensation rung performance criteria.

(78) The state board of education shall promulgate rules implementing the provisions of this section.

(89) For the purposes of this section:

(a) "Certificate" means an Idaho instructional certificate, pupil service staff certificate, or out-of-state educator certificate that meets the requirements for reciprocity under rules promulgated by the state board of education;

(b) In conjunction with the Idaho evaluation framework, "individualized professional learning plan" means an individualized professional development plan based on the Idaho framework for teaching evaluation and includes, at a minimum, identified interventions based on the individual's strengths and areas of needed growth, how the individual will set student achievement and growth goals, and areas of identified professional development and mentoring that target continuous improvement in professional areas, future student achievement, and school building or district culture;

(c) "Instructional staff" means those involved in the direct instruction of a student or group of students and who hold a certificate issued under section 33-1201, Idaho Code;

(d) "Pupil service staff" means those who provide services to students but are not involved in direct instruction of those students and who hold a certificate issued under section 33-1201, Idaho Code; and

(e) "School district" means a school district or a public charter school.

SECTION 23. That Section 33-2101A, Idaho Code, be, and the same is hereby amended to read as follows:

33-2101A. JUNIOR COLLEGE SHALL MEAN COMMUNITY COLLEGE. Notwithstanding any other provision of law, in sections 21-805, 21-806, 21-809, 23-404, ~~31-808~~, 33-101, 33-107, 33-107B, 33-601, 33-1252, 33-2101, 33-2102, 33-2103, 33-2104, 33-2105, 33-2106, 33-2107, 33-2107A, 33-2107B, 33-2107C, 33-2108, 33-2109A, 33-2110, 33-2110A, 33-2110B, 33-2111, 33-2112, 33-2113, 33-2114, 33-2115, 33-2116, 33-2117, 33-2118, 33-2119, 33-2121, 33-2122, 33-2123, 33-2124, 33-2125, 33-2126, 33-2130, 33-2135, 33-2137, 33-2138, 33-2139, 33-2141, 33-2142, 33-2143, 33-2144, 33-2211, 33-3716, 33-4001, 33-4003, 33-4004, 33-4006, 33-4201, 46-314, 50-1721, 57-1105A, 59-1324, 59-1371, 59-1374, 67-2320, 67-2322 and 67-5332, Idaho Code, the term "junior college" shall mean and shall be denoted as "community college."



SECTION 24. That Section 35-104, Idaho Code, be, and the same is hereby amended to read as follows:

35-104. CARE OF FENCES BY ADJOINING OWNERS. Each adjoining land owner, unless both otherwise agree, or unless other arrangements have heretofore been made, must construct and keep in repair that half of the line fence between their respective tracts of land which that is to his left when he is standing on his own land facing the other; unless the owner of one (1) of said tracts chooses to allow his land to be uninclosed: provided, that one (1) party may, for his own convenience, strengthen, or render hog-tight, the whole or any part of said fence by stretching one (1) or more additional wires thereon or otherwise; in which event the other shall not be liable for his proportion of the additional cost: ~~provided.~~ Provided further, if one (1) of the parties shall render such fence hog-tight and the other shall at any time use his field for the pasture of hogs, sheep or goats, without a herder, such other shall become liable as a joint user or owner, and shall, upon demand of the party building the hog-tight fence, pay his just proportion thereof. In case viewers are appointed, as provided in section 35-106, Idaho Code, the report of such viewers must be in conformity with this section.

SECTION 25. That Section 35-109, Idaho Code, be, and the same is hereby amended to read as follows:

35-109. RESTRICTIONS ON OCCUPANT'S RIGHT TO REMOVE FENCE. The occupant or owner of land whereon a fence has been built by mistake, must not throw down or in any manner disturb such fence during the period which that the person who built it is authorized by section 35-108, Idaho Code, to remove it, when by so doing he will expose any crop to destruction.

SECTION 26. That Section 35-202, Idaho Code, be, and the same is hereby amended to read as follows:

35-202. LIABILITY FOR FAILURE TO INCLOSE. Every person who fails to comply with the provisions of section 35-201, Idaho Code, is liable to the owner of any stock injured by drinking the water or acids that flow from such mill, in twice the damage sustained.

SECTION 27. That Section 35-304, Idaho Code, be, and the same is hereby amended to read as follows:

35-304. PROCEDURE IN CASE OF UNKNOWN OWNER. It shall be the duty of any sheriff, deputy sheriff or constable, who by personal knowledge or who otherwise knowing knows of any barbed wire or barbed wire fence being so strewn or down as provided in section 35-301, Idaho Code, on any ranch or knows of any fence which that has been abandoned, and the owner of such fence or ranch is unknown or has left the state so that notice cannot be served on such person, firm, or corporation, to take or cause to be taken up, such barbed wire or barbed wire fence, and sell the same at public auction to the highest bidder ~~and the~~. The proceeds shall go to cover the expense of the removal of said barbed wire or barbed wire fence, and if there be any money left over from such sale, it shall be turned in to the county treasurer of the county wherein such fence or ranch is located.

SECTION 28. That Section 50-2006, Idaho Code, be, and the same is hereby amended to read as follows:

50-2006. URBAN RENEWAL AGENCY.

(1) (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the "urban renewal agency" that was created by resolution as provided in section 50-2005, Idaho Code, before July 1, 2011, for the municipality; provided, that such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has made the findings prescribed in section 50-2005, Idaho Code.

(b) An urban renewal agency created after July 1, 2011, shall not transact any business or exercise its powers provided for in this chapter until a majority of qualified electors, voting in a citywide or countywide election, depending on the municipality in which such agency is created, vote to authorize such agency to transact business and exercise its powers provided for in this chapter. If prior to July 1, 2011, the local governing body has made the findings prescribed in paragraph (a) of this subsection, then such agency shall transact business and shall exercise its powers hereunder and is not subject to the requirements of this paragraph. sub

(2) Upon satisfaction of the requirements under subsection (1) of this section, the urban renewal agency is authorized to transact the business and exercise the powers hereunder by a board of commissioners to be established as follows:

(a) Unless provided otherwise in this section, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency, which shall consist of not less than three (3) commissioners nor more than nine (9) commissioners. In the order of appointment, the mayor shall designate the number of commissioners to be appointed, and the term of each, provided that the original term of office of no more than two (2) commissioners shall expire in the same year. The commissioners shall serve for terms not to exceed five (5) years, from the date of appointment, except that all vacancies shall be filled for the unexpired term.

(b) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed by a majority vote of the local governing body only after a hearing and after he shall have been given a copy of the charges at least ten (10) days prior to such hearing and have had an opportunity to be heard in person or by counsel. Any commission position that becomes vacant at a time other than the expiration of a term shall be filled by the mayor or chair of the board of county commissioners, if that is the local governing body, by and with the advice and consent of the local governing body, including the mayor, if applicable, and shall be filled for the unexpired term.

(c) By enactment of an ordinance, the local governing body may appoint and designate, from among its members, members of the board of commissioners of the urban renewal agency, provided that such representation shall be less than a majority of the board of commissioners of the urban renewal agency of the members of the local governing body on and after July 1, 2017, in which case all the rights, powers, duties, privileges, and immunities vested by the urban renewal law of 1965, and as amended, in an appointed board of commissioners, shall be vested in the local governing body, which shall, in all respects when acting as an urban renewal agency, be acting as an arm of state government, entirely separate and distinct from the municipality, to achieve, perform, and accomplish the public purposes prescribed and provided by said urban renewal law of 1965, and as amended.

(d) By enactment of an ordinance, the local governing body may terminate the appointed board of commissioners and thereby appoint and designate itself as the board of commissioners of the urban renewal agency for not more than one (1) calendar year.

(e) By enactment of an ordinance, the local governing body may provide that the board of commissioners of the urban renewal agency shall be elected at an election held for such purpose on one (1) of the November dates provided in section 34-106, Idaho Code, and the ordinance may provide term limits for the commissioners. In this case, all the rights, powers, duties, privileges, and immunities vested by the urban renewal law of 1965, and as amended, in an appointed board of commissioners, shall be vested in the elected board of commissioners of the urban renewal agency, which shall, in all respects when acting as an urban renewal agency, be acting as an arm of state government, entirely separate and distinct from the municipality, to achieve, perform, and accomplish the public purposes prescribed and provided by said urban renewal law of 1965, and as amended. The provisions of chapter 66, title 67, Idaho Code, shall apply to elected commissioners, and the county election law shall apply to the person running for commissioner as if the person were running for county commissioner. In the event of a vacancy in an elected commissioner position, the replacement shall be appointed by the mayor or chair of the board of county commissioners, if that is the local governing body, by and with the advice and consent of the local governing body, and shall be filled for the unexpired term.

(3) In all instances, a member of the board of commissioners of the urban renewal agency must be a resident of the county where the urban renewal agency is located or is doing business.

(4) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

(5) (a) The powers of an urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number.

(b) The commissioners shall elect the chairman, cochairman, or vice chairman for a term of one (1) year from among their members. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties, and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff.

(c) An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before March 31 of each year a report of its activities for the preceding calendar year, which report shall include the financial data and audit reports required under sections 67-1075 and 67-1076, Idaho Code. The agency shall be required to hold a public meeting to report these findings and take comments from the public. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and the state controller and that the report is available for inspection during business hours in the office of the city

clerk or county recorder, in the office of the agency, and at all times on the website of the state controller.

(d) An urban renewal agency shall have the same fiscal year as a municipality and shall be subject to the same audit requirements as a municipality. An urban renewal agency shall be required to prepare and file with its local governing body an annual financial report and shall prepare, approve, and adopt an annual budget for filing with the local governing body, for informational purposes. A budget means an annual estimate of revenues and expenses for the following fiscal year of the agency.

(6) An urban renewal agency shall comply with the public records law pursuant to chapter 1, title 74, Idaho Code, open meetings law pursuant to chapter 2, title 74, Idaho Code, the ethics in government law pursuant to chapter 4, title 74, Idaho Code, and the competitive bidding provisions of chapter 28, title 67, Idaho Code.

(f7) Upon dissolution of the urban renewal agency, title to all property of the urban renewal agency shall revert to the municipality.

SECTION 29. That Section 54-2105, Idaho Code, be, and the same is hereby amended to read as follows:

54-2105. BOARD OF VETERINARY MEDICINE -- COMPOSITION -- APPOINTMENT -- VACANCY -- QUALIFICATIONS -- COMPENSATION -- REMOVAL -- MEETINGS -- OFFICERS -- REVENUES -- POWERS.

(1) (a) A board of veterinary medicine, which shall consist of six (6) members to be appointed by and serve at the pleasure of the governor, is hereby created in the division of occupational and professional licenses. Five (5) members shall be veterinarians and one (1) shall be a public member. Each of the five (5) veterinary board members shall serve a term of five (5) years, with the fifth year serving also as a liaison officer, or until a successor is appointed. The public member shall serve for a term of three (3) years or until a successor is appointed.

(b) Whenever the occasion arises for an appointment of a veterinary member under this section, the governor may consider recommendations for appointment to the board from the state veterinary medical association, from any of the regional veterinary medical associations, and from any individual residing in this state. Vacancies due to death, resignation or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. Filling the remainder of a previous member's term shall not count toward the term limits provided for in this section. No veterinarian shall serve two (2) consecutive terms. The public member may serve two (2) full consecutive terms. Each of the five (5) veterinarians shall be qualified to serve as a member of the board if a graduate of an accredited or approved school of veterinary medicine or, if a graduate of a nonaccredited or nonapproved school, by providing a letter from the educational commission for foreign veterinary graduates (ECFVG) certifying completion of the ECFVG program or a copy of their ECFVG certificate or verification of successful completion of any educational equivalency program established for the purpose of evaluating an individual's educational knowledge and clinical skills as they relate to the practice of veterinary medicine, as approved and outlined by the rules of the board. In addition to verification of graduation from an accredited or nonaccredited school of veterinary medicine, each of the five (5) veterinary members shall be a resident of this state and have been licensed to practice veterinary medicine in this state for the five (5) years immediately preceding the time of appointment. The public member shall be at least twenty-one (21) years of age and a resident of this

state for five (5) years immediately preceding appointment. No person may serve on the board who is, or was, during the two (2) years preceding appointment, a member of the faculty or trustees of an accredited school of veterinary medicine.

(2) Each member of the board and committee on humane euthanasia shall be compensated as provided by section 59-509(n), Idaho Code.

(3) Any member of the board may be removed by the governor at his discretion.

(4) The board shall meet at least once each year at the time and place fixed by the rules of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by state statute or rule. Except as may otherwise be provided, a majority of the board constitutes a quorum. Meetings shall be open and public except as otherwise provided by the open meetings law, chapter 2, title 74, Idaho Code.

(5) The board member serving the fourth year of appointment shall be the president of the board and shall serve as chairman at the board meetings.

(6) The veterinary board member serving the fifth year of appointment shall be the liaison officer of the board and shall render advice, review and mediate complaints, and perform other tasks assigned by the board.

(7) All revenues received under this chapter shall be paid to the occupational licenses fund and shall be subject to and administered in accordance with the provisions of this chapter.

(8) The responsibility for enforcement of the provisions of this chapter is hereby vested in the board. The board shall have all of the duties, powers and authority specifically granted by or necessary for the enforcement of this chapter and the rules made pursuant thereto, as well as such other duties, powers and authority as it may be granted from time to time by applicable law. The powers vested in the board shall include, but are not limited to:

(a) Establish qualifications and prescribe the application format for issuance or renewal of a license to practice as a veterinarian and certification to practice as a veterinary technician, euthanasia agency or euthanasia technician, to review each application for compliance with the licensure and certification requirements, and to issue, renew or deny licenses and certifications. Upon a showing of good cause by a licensee or certificate holder to the board, the board may grant an extension of time for submission of the required application or renewal documentation, including the required number of continuing education hours, as set forth by this chapter or the rules of the board.

(b) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine, or a certification to practice veterinary technology or as a euthanasia technician or operate as a certified euthanasia agency in the state.

(c) Issue, renew, reinstate, deny, suspend, sanction, reprimand, restrict, limit, place on probation, require voluntary surrender of, or revoke any licenses, certifications or temporary permits or certifications to practice veterinary medicine, veterinary technology or the euthanizing of animals in the state and may fine and impose other forms of discipline and enter into consent agreements and negotiated settlements with licensed veterinarians, certified veterinary technicians, certified euthanasia technicians and certified euthanasia agencies consistent with the provisions of this chapter and the rules adopted hereunder. Whenever it appears that grounds for discipline exist under this chapter and the board finds that there is an immediate danger to the public health, safety or welfare, the board is authorized to commence emergency proceedings for revocation or other action. Such proceedings shall be promptly instituted and processed under the applicable provisions of chapter 52, title 67, Idaho Code.

(d) Establish a schedule of fees for licensing, certifying and registering veterinarians, veterinary technicians, euthanasia agencies and euthanasia technicians, as well as for the review, approval and administration of national licensing and certification examinations.

(e) In addition to the fees specifically provided for herein, the board may assess additional reasonable fees for services rendered to carry out its duties and responsibilities as required or authorized by this chapter or rules adopted hereunder. Such services rendered shall include, but not be limited to, the following:

- (i) Issuance of duplicate licenses or certificates;
- (ii) Mailing lists or reports of data maintained by the board;
- (iii) Copies of any documents;
- (iv) Verification of license or certification status;
- (v) Examination review, approval and administration; and
- (vi) Examination materials.

(f) Upon its own motion or upon any complaint, initiate and conduct investigations on all matters relating to the practice of veterinary medicine or veterinary technology or the euthanizing of animals. as

(g) Initiate and conduct disciplinary hearings or proceedings on its own or through its designated hearing officer, provided such hearings and proceedings shall be held in conformance with the provisions of chapter 52, title 67, Idaho Code, and in connection thereto, to administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and may commission depositions. The board may designate one (1) or more of its members or appoint a person to serve as its hearing officer.

(h) Appoint from its own membership one (1) or more members to act as representatives of the board at any meeting within or outside the state where such representation is deemed desirable.

(i) Bring proceedings in the courts for the enforcement of this chapter or any rules of the board.

(j) For purposes of enforcement of the provisions of this chapter and any rules duly promulgated hereunder, including the levying of civil penalties, assessment and collection of fines, and recovery of costs and paralegal, hearing officer and attorney's fees incurred by the board in investigation and prosecution of complaints, the board shall maintain jurisdiction over individuals, irrespective of their license or certification status (i.e., active, inactive, expired, lapsed, surrendered or disciplined) relative to acts, omissions, complaints and investigations that occurred during the licensure or certification period. Jurisdiction of the board shall also extend to all individuals engaged in the practice of veterinary medicine, veterinary technology or practicing as a certified euthanasia agency or certified euthanasia technician in this state as defined in section 54-2103, Idaho Code. It is the intent of this subsection that the board's jurisdiction should extend to all licensed or unlicensed or certified or uncertified individuals and that licensees and certification holders cannot divest the board of jurisdiction by changing, surrendering or relinquishing licensure or certification status.

(k) Establish a committee on humane euthanasia for the purposes of training, examining, licensing and certifying euthanasia agencies and euthanasia technicians and assess application, training workshop and certification fees. The fees so assessed are continuously appropriated to the board to support the activities of the committee.

(1) Adopt, amend or repeal all sections of this chapter and rules necessary for its government and all rules necessary to carry into effect the provisions of this chapter pursuant to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

(m) Conduct probationary or other practice and facility inspections necessary for enforcement of this chapter or the rules duly promulgated hereunder or any order, negotiated settlement or probationary agreement of the board and issue administrative citations to alleged violators.

SECTION 30. That Section 57-825, Idaho Code, as enacted by Section 1, Chapter 3, Laws of 2021, be, and the same is hereby amended to read as follows:

57-8256. TWENTY-SEVENTH PAYROLL FUND. There is hereby created in the state treasury the twenty-seventh payroll fund for the purpose of meeting the general fund payroll costs for state employees in years in which the state incurs a twenty-seventh payroll. The account shall consist of any moneys made available through legislative transfers, appropriations, or as otherwise provided by law. Interest earnings from the investment of moneys in this fund by the state treasurer shall be returned to the fund.

SECTION 31. That Section 63-3022, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022. ADJUSTMENTS TO TAXABLE INCOME. The additions and subtractions set forth in this section, and in sections 63-3022A through 63-3022U, Idaho Code, are to be applied to the extent allowed in computing Idaho taxable income:

(a) Add any state and local taxes, as defined in section 164 of the Internal Revenue Code that are measured by net income, or for which a credit is allowable under section 63-3029, Idaho Code, and paid or accrued during the taxable year adjusted for state or local tax refunds used in arriving at taxable income.

(b) Add the net operating loss deduction used in arriving at taxable income.

(c) (1) A net operating loss for any taxable year commencing on and after January 1, 2000, but before January 1, 2013, shall be a net operating loss carryback not to exceed a total of one hundred thousand dollars (\$100,000) to the two (2) immediately preceding taxable years. At the election of the taxpayer, the two (2) year carryback may be forgone and the loss subtracted from income received in taxable years arising in the next twenty (20) years succeeding the taxable year in which the loss arises in order until exhausted.

(2) A net operating loss for any taxable year commencing on or after January 1, 2013, shall be a net operating loss carryback not to exceed a total of one hundred thousand dollars (\$100,000) to the two (2) immediately preceding taxable years only if an amended return carrying the loss back is filed within one (1) year of the end of the taxable year of the net operating loss that results in such carryback.

(3) Any portion of the net operating loss not subtracted from income in the two (2) preceding years may be subtracted from income in the next twenty (20) years succeeding the taxable year in which the loss arises in order until exhausted. The sum of the deductions may not exceed the amount of the net operating loss deduction incurred. The carryback shall be limited to a total of fifty thousand dollars (\$50,000) in the

case of an individual filing as married filing separate in the year of the loss.

(4) Net operating losses incurred by a corporation during a year in which such corporation did not transact business in Idaho or was not included in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, may not be subtracted. However, if at least one (1) corporation within a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, was transacting business in Idaho during the taxable year in which the loss was incurred, then the net operating loss may be subtracted. Net operating losses incurred by a person, other than a corporation, in activities not taxable by Idaho may not be subtracted.

(5) The term "income" as used in this subsection means Idaho taxable income as defined in this chapter as modified by section 63-3021(b) (2), (3) and (4), Idaho Code.

(d) In the case of a corporation, add the amount deducted under the provisions of sections 243(a) and (c), 244, 245, and 246A of the Internal Revenue Code (relating to dividends received by corporations and other special deductions) as limited by section 246(b) (1) of said code.

(e) In the case of a corporation, subtract an amount determined under section 78 of the Internal Revenue Code to be taxable as dividends.

(f) Subtract the amount of any income received or accrued during the taxable year ~~which that~~ is exempt from taxation by this state, under the provisions of any other law of this state or a law of the United States, if not previously subtracted in arriving at taxable income.

(g) For the purpose of determining the Idaho taxable income of the beneficiary of a trust or of an estate:

(1) Distributable net income as defined for federal tax purposes shall be corrected for the other adjustments required by this section.

(2) Net operating losses attributable to a beneficiary of a trust or estate under section 642 of the Internal Revenue Code shall be a deduction for the beneficiary to the extent that income from the trust or estate would be attributable to this state under the provisions of this chapter.

(h) In the case of an individual who is on active duty as a full-time officer, enlistee, or draftee, with the armed forces of the United States, which full-time duty is or will be continuous and uninterrupted for one hundred twenty (120) consecutive days or more, deduct compensation paid by the armed forces of the United States for services performed outside this state. The deduction is allowed only to the extent such income is included in taxable income.

(i) In the case of a corporation, including any corporation included in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, add any capital loss or passive loss deducted, which loss was incurred during any year in which such corporation did not transact business in Idaho. However, do not add any capital loss deducted if a corporation, including any corporation in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, was transacting business in Idaho during the taxable year in which the loss was incurred. In the case of persons other than corporations, add any capital loss or passive loss deducted ~~which that~~ was incurred in activities not taxable by Idaho at the time such loss was incurred. In computing the income taxable to an S corporation or partnership under this section, deduction shall not be allowed for a carryover or carry-back of a net operating loss provided for in subsection (c) of this section, a passive loss, or a capital loss provided for in section 1212 of the Internal Revenue Code.



(j) In the case of an individual, there shall be allowed as a deduction from gross income either paragraph (1) or (2) of this subsection at the option of the taxpayer:

(1) The standard deduction as defined in section 63 of the Internal Revenue Code; or

(2) Itemized deductions as defined in section 63 of the Internal Revenue Code except state or local taxes measured by net income and general sales taxes as either is defined in section 164 of the Internal Revenue Code.

(k) Add the taxable amount of any lump sum distribution excluded from gross income for federal income tax purposes under the ten (10) year averaging method. The taxable amount will include the ordinary income portion and the amount eligible for the capital gain election.

(l) Deduct any amounts included in gross income under the provisions of section 86 of the Internal Revenue Code relating to certain social security and railroad benefits.

(m) In the case of a self-employed individual, deduct the actual cost of premiums paid to secure worker's compensation insurance for coverage in Idaho, if such cost has not been deducted in arriving at taxable income.

(n) In the case of an individual for any tax period ending on or prior to December 31, 2016, deduct the amount contributed to a college savings program, but not more than four thousand dollars (\$4,000) per tax year. In the case of an individual and for any tax period starting on or after January 1, 2017, deduct the amount contributed to a college savings program, but not more than six thousand dollars (\$6,000) per tax year. For those married and filing jointly, deduct the amount contributed to a college savings program, but not more than twice of that allowed for an individual. To be qualified for this deduction, the contribution must be made during the taxable year and made to an Idaho college savings program account as described in chapter 54, title 33, Idaho Code.

(o) In the case of an individual, add the amount of a nonqualified withdrawal from an individual trust account or savings account established pursuant to chapter 54, title 33, Idaho Code, less any amount of such nonqualified withdrawal included in the individual's federal gross income pursuant to section 529 of the Internal Revenue Code. The addition provided in this subsection is limited to contributions previously exempt from Idaho state income tax and earnings generated from the program as long as the earnings are not already included in federal adjusted gross income.

(p) In the case of an individual, add the amount of a withdrawal from an individual trust account or savings account established pursuant to chapter 54, title 33, Idaho Code, transferred to a qualified tuition program, as defined in section 529 of the Internal Revenue Code, that is operated by a state other than Idaho or to a qualified ABLE program as defined in section 529A of the Internal Revenue Code. The addition provided in this subsection is limited to the amount of the contributions to the Idaho individual trust account or savings account by the account owner that was deducted on the account owner's Idaho income tax return for the year of the transfer and the prior taxable year.

(q) Deduct any amount disallowed under section 461(1)(1)(B) of the Internal Revenue Code (relating to excess business losses) that is treated as part of the taxpayer's net operating loss carryforward for federal income tax purposes.

(r) Add the excess business losses under section 461(1) of the Internal Revenue Code, as required by section 63-3004, Idaho Code. The excess business losses may be carried forward and deducted as an Idaho net operating loss under section 63-3021, Idaho Code, successively over the next twenty (20) years succeeding the taxable year in which the loss arises until such losses are exhausted. Excess business losses shall not be carried back.

(~~rs~~) Subtract any amounts included in taxable income for funds received or loans forgiven pursuant to the provisions of the coronavirus aid, relief, and economic security act, P.L. 116-136.

(~~st~~) Subtract any amounts included in taxable income for loans forgiven pursuant to the paycheck protection program and health care enhancement act, P.L. 116-139, including economic injury disaster loan advance funds, and the paycheck protection program flexibility act of 2020, P.L. 116-142.

(~~tu~~) Add any amounts excluded from taxable income for funds received pursuant to the emergency rental assistance program established by section 501 of division N of the consolidated appropriations act, 2021, P.L. 116-260.

SECTION 32. That Section 67-450D, Idaho Code, be, and the same is hereby amended to read as follows:

67-450D. INDEPENDENT FINANCIAL AUDITS -- DESIGNATED ENTITIES. (1) Notwithstanding any other provisions of the Idaho Code relating to audit requirements regarding the entities designated in this section, beginning on July 1, 2021, the requirements set forth in section 67-450B(2), Idaho Code, shall constitute the minimum audit requirements for the following entities:

- (a) Alfalfa and clover seed commission;
- (b) Idaho apple commission;
- (c) Idaho barley commission;
- (d) Idaho bean commission;
- (e) Idaho beef council;
- (f) Idaho cherry commission;
- (g) Idaho dairy products commission;
- (h) ~~Idaho food quality assurance institute;~~
- ~~(i)~~ Idaho forest products commission;
- (~~j~~i) Idaho grape growers and wine producers commission;
- (~~k~~j) Idaho honey commission;
- (~~l~~k) Idaho hop grower's commission;
- (~~m~~l) Idaho mint commission;
- (~~n~~m) Idaho oilseed commission;
- (~~o~~n) Idaho pea and lentil commission;
- (~~p~~o) Idaho potato commission;
- (~~q~~p) Idaho rangeland resources commission; and
- (~~r~~q) Idaho wheat commission.

(2) Federal audit requirements applicable because of expenditure of federal assistance supersede the minimum audit requirements referenced in subsection (1) of this section.

(3) All moneys received or expended by the entities identified in subsection (1) of this section shall be audited by a certified public accountant, designated by the entity, who shall furnish a copy of such audit to the local governmental entities central registry pursuant to section 67-1076, Idaho Code, and to the senate agricultural affairs committee and the house of representatives agricultural affairs committee. The audit shall be completed within ninety (90) days following the close of the commission's fiscal year.

(4) Any entity identified in subsection (1) of this section that is not audited pursuant to the provisions of this section shall submit an unaudited annual statement of revenues, expenditures, and fund balances to the senate agricultural affairs committee and the house of representatives agricultural affairs committee, to the state controller, and to the division of financial management.

(5) The right is reserved to the state of Idaho to audit the funds of the entities identified in this section at any time.

SECTION 33. That Section 67-7103, Idaho Code, be, and the same is hereby amended to read as follows:

67-7103. SNOWMOBILES -- APPLICATION FOR NUMBER -- ATTACHMENT OF VALIDATION STICKERS -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CERTIFICATE -- TRANSFER OF CERTIFICATE FEE -- TEMPORARY NUMBER -- FEES. (1) The operator of each snowmobile requiring numbering by the state of Idaho shall obtain a certificate of number for the snowmobile, which certificate of number shall be issued by season, for seasons running from November 1 through October 31. To obtain a certificate of number, the operator shall pay a fee of forty-five dollars and fifty cents (\$45.50). Upon receipt of the fee, the department shall issue to the operator a certificate of number together with a validation sticker to be attached to the snowmobile in a manner as may be prescribed by rules of the department. The validation sticker shall be located on the snowmobile and shall be completely visible and shall be maintained in legible condition whenever 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 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) No number, other than the validation stickers issued to the operator and affixed to the 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.

(6) Notwithstanding the provisions of subsection (1) of this section, resident and nonresident owners of snowmobiles used for rental purposes shall purchase rental validation stickers for seventy-five dollars and fifty cents (\$75.50) and the validation stickers shall be displayed on the machine at all times.

SECTION 34. That Section 74-117, Idaho Code, be, and the same is hereby amended to read as follows:

74-117. ADDITIONAL PENALTY. If the court finds that a public official has deliberately and in bad faith improperly refused a legitimate request for inspection or copying, a civil penalty shall be assessed against the public official in an amount not to exceed one thousand dollars (\$1,000), which shall be paid into the general ~~account~~ fund.

SECTION 35. That Section 74-120, Idaho Code, be, and the same is hereby amended to read as follows:

74-120. PROHIBITION ON DISTRIBUTION OR SALE OF MAILING OR TELEPHONE NUMBER LISTS -- PENALTY. (1) Except as provided in subsections (2), (3), (4), (5), (6), (7), (8), 9 and (9) of this section, in order to protect the privacy of those who deal with public agencies or an independent public body corporate and politic:

(a) No agency or independent public body corporate and politic may distribute or sell for use as a mailing list or a telephone number list any list of persons without first securing the permission of those on the list; and

(b) No list of persons prepared by the agency or independent public body corporate and politic may be used as a mailing list or a telephone number list except by the agency or independent public body corporate and politic or another agency without first securing the permission of those on the list.

(2) Except as may be otherwise provided in this chapter, this section does not prevent an individual from compiling a mailing list or a telephone number list by examination or copying of public records, original documents or applications which are otherwise open to public inspection.

(3) The provisions of this section do not apply to the lists of registered electors compiled pursuant to title 34, Idaho Code, or to lists of the names of employees governed by chapter 53, title 67, Idaho Code.

(4) The provisions of this section shall not apply to agencies which that issue occupational or professional licenses.

(5) This section does not apply to the right of access either by Idaho law enforcement agencies or, by purchase or otherwise, of the right to access public records dealing with motor vehicle registration.

(6) This section does not apply to a corporate information list developed by the office of the secretary of state containing the name, address, registered agent, officers and directors of corporations authorized to do business in this state or to a business information list developed by the department of commerce containing the name, address, telephone number or other relevant information of Idaho businesses or individuals requesting information regarding the state of Idaho or to business lists developed by the department of agriculture, division of marketing and market development division, used to promote food and agricultural products produced in Idaho.

(7) This section does not apply to lists ~~to be~~ used for ordinary utility purposes which that are requested by a person who supplies utility services in this state. Ordinary utility purposes, as used in this chapter only, do not include marketing or marketing research.

(8) This section does not apply to lists ~~to be~~ used to give notice required by any statute, ordinance, rule, or law or by any governing agency.

(9) This section does not apply to student directory information provided by colleges, universities, secondary schools and school districts to military recruiters for military recruiting purposes pursuant to the requirements of federal laws.

(10) Nothing in this section shall prohibit the release of information to the state controller as the state social security administrator as provided in section 59-1101A, Idaho Code.

(11) If a court finds that a person or public official has deliberately and in bad faith violated the provisions of subsection (1) (a) or (1) (b) of this section, the person or public official shall be liable for a civil penalty assessed by the court in an amount not in excess of one thousand dollars (\$1,000), which shall be paid into the general ~~account~~ fund.

SECTION 36. That Section 74-123, Idaho Code, be, and the same is hereby amended to read as follows:

74-123. IDAHO CODE IS PROPERTY OF THE STATE OF IDAHO. (1) The Idaho Code is the property of the state of Idaho, and the state of Idaho and the taxpayers shall be deemed to have a copyright on the Idaho Code. If a person reproduces or distributes the Idaho Code for the purpose of direct or indirect commercial advantage, the person shall owe to the Idaho code commission, as the agent of the state of Idaho, a royalty fee in addition to the fee charged for copying the Idaho Code. Any person who reproduces or distributes the Idaho Code in violation of the provisions of this section, shall be deemed to be an infringer of the state of Idaho's copyright. The Idaho code commission, through the office of the attorney general, is entitled to institute an action for any infringement of that particular right committed

while the Idaho code commission or its designated agent has custody of the Idaho Code.

(2) A court having jurisdiction of a civil action arising under this section may grant such relief as it deems appropriate. At any time while an action under this section is pending, the court may order the impounding, on such terms as it deems reasonable, of all copies claimed to have been made or used in violation of the Idaho code commission's copyright pursuant to this section.

(3) An infringer of the state of Idaho's copyright pursuant to this section is liable for any profits the infringer has incurred by obtaining the Idaho Code for commercial purposes or is liable for statutory damages as provided in subsection (4) of this section.

(4) The Idaho code commission, as agent of the copyright owner, may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for all infringements involved in the action, with respect to the Idaho Code for which any one (1) infringer is liable individually, or for which any two (2) or more infringers are liable jointly and severally, in a sum of not less than two hundred fifty dollars (\$250) ~~or~~ and not more than ten thousand dollars (\$10,000), as the court considers just.

(5) In any civil action under this section, the court may allow the recovery of full costs by or against any party and may also award reasonable attorney's fees to the prevailing party as part of the costs.

(6) The Idaho code commission is hereby authorized to license and charge fees for the use of the Idaho Code. The Idaho code commission may grant a license for the use of the Idaho Code to a public agency in the state and waive all or a portion of the fees. All fees recovered by the Idaho code commission shall be deposited in the general account fund.

SECTION 37. 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, 2022.

Approved March 22, 2022

CHAPTER 112  
(H.B. No. 594)

AN ACT

RELATING TO STATE OFFICERS AND EMPLOYEES; AMENDING SECTION 59-1603, IDAHO CODE, TO PROVIDE FOR NONCLASSIFIED EMPLOYEES OF THE EXECUTIVE DEPARTMENT, TO REVISE PROVISIONS REGARDING THE STATE BOARD OF EDUCATION, AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 67-5301, IDAHO CODE, TO REVISE A PROVISION REGARDING STATE OF IDAHO EMPLOYEES; AMENDING SECTION 67-5302, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 67-5303, IDAHO CODE, TO PROVIDE FOR NONCLASSIFIED EMPLOYEES, TO REVISE PROVISIONS REGARDING CERTAIN EDUCATIONAL EMPLOYEES, AND TO REMOVE A PROVISION REGARDING POSITIONS ESTABLISHED UNDER FEDERAL GRANTS; REPEALING SECTION 67-5305, IDAHO CODE, RELATING TO EMPLOYEES HIRED PRIOR TO A CERTAIN DATE; AMENDING SECTION 67-5308, IDAHO CODE, TO PROVIDE FOR CLASSIFIED AND NONCLASSIFIED EMPLOYEES; AMENDING SECTION 67-5309, IDAHO CODE, TO PROVIDE FOR CLASSIFIED AND NONCLASSIFIED EMPLOYEES AND APPLICANTS AND TO REMOVE A PROVISION REGARDING CERTAIN APPOINTMENTS; AMENDING SECTION 67-5314, IDAHO CODE, TO PROVIDE THAT THE DIVISION OF HUMAN RESOURCES MAY NEGOTIATE CERTAIN FEES; AMENDING SECTION 67-5315, IDAHO CODE, TO PROVIDE FOR PROBLEM SOLVING PROCEDURES AND CLASSIFIED AND NONCLASSIFIED EMPLOYEES; AMENDING SECTION 67-5317, IDAHO CODE, TO PROVIDE FOR CLASSIFIED AND NONCLASSIFIED EMPLOYEES; AMENDING SECTION 67-5328, IDAHO CODE, TO PROVIDE FOR CLASSIFIED AND NONCLASSIFIED EMPLOYEES AND FAIR LABOR STANDARDS ACT REQUIREMENTS; AMENDING SECTION 67-5332, IDAHO CODE, TO PROVIDE FOR CLASSIFIED AND NONCLASSIFIED EMPLOYEES; AMENDING SECTION 67-5333, IDAHO CODE, TO PROVIDE FOR CLASSIFIED AND NONCLASSIFIED EMPLOYEES; AMENDING SECTION 67-5342, IDAHO CODE, TO PROVIDE FOR NONCLASSIFIED EMPLOYEES; AMENDING SECTION 67-5342A, IDAHO CODE, TO PROVIDE FOR NONCLASSIFIED EMPLOYEES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-1603, Idaho Code, be, and the same is hereby amended to read as follows:

59-1603. CONFORMITY WITH CLASSIFIED POSITIONS. (1) To the extent possible, each nonclassified position in the executive department will be paid a salary or wage comparable to classified positions with similar duties, responsibilities, training, experience and other qualifications in consultation with the division of human resources. Temporary employees and agricultural inspectors referred to in subsections (am) and (po) of section 67-5303, Idaho Code, shall not be entitled to sick leave accruals provided in section 59-1605, Idaho Code, vacation leave provided in section 59-1606, Idaho Code, nor holiday pay defined in subsection (15) of section 67-5302, Idaho Code, unless contributions are being made to the public employee retirement system in accordance with chapter 13, title 59, Idaho Code, and rules promulgated by the retirement board. Vacation and sick leave accruals, but not holiday pay, shall be awarded retroactively, if necessary, to the date such employees become eligible for retirement system membership.

(2) To the extent possible, nonclassified state employees in the executive department reporting to the governor or a board or commission appointed by the governor shall conform with chapter 53, title 67, Idaho Code, defining the state personnel system, in sections where nonclassified state employee personnel standards are expressly defined.

(3) To the extent possible, each nonclassified position in the legislative department will be paid a salary or wage comparable to classified positions with similar duties, responsibilities, training, experience and other qualifications.

(34) The supreme court shall determine the schedules of salary and compensation for all officers and employees of the judicial department that are not otherwise fixed by law. To the extent possible, the supreme court shall adopt schedules compatible with the state's accounting system. The judicial department may also maintain personnel records and files under such system as is ordered by the supreme court.

(45) The state board of education shall determine the schedules of salary and compensation, and prescribe policies for overtime and compensatory time off from duty, for all officers, teaching staff, and employees of the state board of education ~~who are not subject to the provisions of chapter 53, title 67, Idaho Code, and which are not otherwise fixed as provided~~ by law. To the extent possible, the state board of education shall adopt schedules and policies compatible with the state's accounting system. The state board of education may also maintain personnel records and files under a system of its own, if approved by the state controller.

(56) Members of the legislature, the lieutenant governor, other officers whose salaries are fixed by law, and members of part-time boards, commissions and committees shall be paid according to law.

(67) Any schedule of salary and compensation must be approved by the appointing authority and be communicated to the state controller in writing at least thirty (30) days in advance of the effective date of the schedule.

(78) In addition to salary increases provided by any compensation schedule adopted pursuant to subsection (67) of this section, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted an award not to exceed two thousand dollars (\$2,000) in any given fiscal year based upon an affirmative certification of meritorious service. Exceptions to the two thousand dollar (\$2,000) limit provided in this section may be granted under extraordinary circumstances if approved in advance by the state board of examiners. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all awards granted in the preceding fiscal year.

(89) In addition to salary increases provided by any compensation schedule, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted an award not to exceed two thousand dollars (\$2,000) in any given fiscal year based upon suggestions or recommendations made by the employee that resulted in taxpayer savings as a result of cost savings or greater efficiencies to the department, office or institution or to the state of Idaho in excess of the amount of the award. Exceptions to the two thousand dollar (\$2,000) limit provided in this subsection may be granted in extraordinary circumstances if approved in advance by the state board of examiners. The appointing authority shall as near as practicable utilize the criteria in conformance with rules promulgated by the division of human resources pursuant to section 67-5309D, Idaho Code. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all employee suggestion awards granted in the preceding fiscal year. Such report shall include any changes made as a direct result of an employee's suggestion and savings resulting therefrom.

(910) Each appointing authority, including the elective offices in the executive department, the legislative department, the judicial department, and the state board of education and the board of regents, shall comply with all reporting requirements necessary to produce the list of employee positions prescribed by section 67-3519, Idaho Code.

(101) The adjutant general, with the approval of the governor, shall prescribe personnel policies for all officers and employees of the national guard that are not otherwise fixed by law. Such policies will include an employee grievance procedure with appeal to the adjutant general. The adjutant general shall determine schedules of salary and compensation that are, to the extent possible, comparable to the schedules used for federal civil service employees of the national guard and those employees serving in military status. Schedules adopted shall be compatible with the state's accounting system to the extent possible.

(112) In addition to salary increases provided by any compensation schedule, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted award pay for recruitment or retention purposes based upon affirmative certification of meritorious service after completion of at least six (6) months of service. Department directors and the administrator of the division of human resources are authorized to seek legal remedies available, including deductions from an employee's accrued vacation funds, from an employee who resigns during the designated period of time after receipt of a recruitment or retention bonus. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(123) In addition to salary increases provided by any compensation schedule, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted other pay as provided in this subsection. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year, including:

(a) Shift differential pay up to twenty-five percent (25%) of hourly rates depending on local market rates in order to attract and retain qualified staff; and

(b) Geographic differential pay in areas of the state where recruitment and retention are difficult due to economic conditions and cost of living.

(134) In unusual circumstances, when a distribution has been approved for classified employees pursuant to section 67-5309D, Idaho Code, each appointing authority, including the elective offices in the executive branch, the legislative branch, the judicial branch, and the state board of education and the board of regents of the university of Idaho, may grant nonclassified employees nonmerit pay in the same proportion as received by classified employees in that department or institution. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(145) Each appointing authority shall, as nearly as practicable, utilize the criteria for reimbursement of moving expenses in conformance with section 67-5337, Idaho Code, and rules promulgated by the division of human resources pursuant thereto. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all moving reimbursements granted in the preceding fiscal year.

(156) Specific pay codes shall be established and maintained in the state controller's office to ensure accurate reporting and monitoring of all pay actions authorized in this section.

SECTION 2. That Section 67-5301, Idaho Code, be, and the same is hereby amended to read as follows:



67-5301. ESTABLISHMENT OF DIVISION OF HUMAN RESOURCES AND DECLARATION OF POLICY. There is hereby established the division of human resources in the office of the governor, which is authorized and directed to administer a personnel system, including the provision of personal and professional training, for ~~classified Idaho employees~~ state of Idaho employees as set forth in this chapter. The purpose of said personnel system is to provide a means whereby classified employees of the state of Idaho shall be examined, selected, retained and promoted on the basis of merit and their performance of duties, thus effecting economy and efficiency in the administration of state government. The legislature declares that, in its considered judgment, the public good and the general welfare of the citizens of this state require enactment of this measure, under the powers of the state.

SECTION 3. That Section 67-5302, Idaho Code, be, and the same is hereby amended to read as follows:

67-5302. DEFINITIONS. As used in this chapter, and other applicable sections of the Idaho Code, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context. Such terms and their definitions are:

(1) "Administrative employee" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "administrative" within this definition shall be made by the administrator of the division of human resources. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(2) "Administrator" means the administrator of the division of human resources in the governor's office.

(3) "Appointing authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(4) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

(5) "Classified officer or employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is subject to the provisions of the merit examination, selection, retention, promotion and dismissal requirements of ~~chapter 53, title 67~~ section 67-5309, Idaho Code.

(6) "Commission" means the Idaho personnel commission.

(7) "Compensatory time" means approved time off from duty provided in compensation for overtime hours worked.

(8) "Computer worker" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "computer worker" within this definition shall be made by the administrator of the division of human resources. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(9) "Department" means any department, agency, institution or office of the state of Idaho.

(10) "Disabled veteran" is as defined in section 65-502, Idaho Code.

(11) "Eligible" means a person who has been determined to be qualified for a classified position and whose name has been placed on the register of eligibles.

(12) "Executive employee" means any person, nonclassified or classified, appointed to a position equivalent to a bureau chief or above as provided in section 67-2402, Idaho Code, or any employee meeting the following criteria:

- (a) An individual whose primary duty is management of a department, division or bureau; and
- (b) Who customarily and regularly directs the work of at least two (2) or more other employees therein; and
- (c) Who has the authority to hire and fire, or to recommend hiring and firing; or whose recommendation on these and other actions affecting employees is given particular weight; and
- (d) Who customarily and regularly exercises discretionary powers; and
- (e) Who is classified to a position allocated to the pay grade equivalent to two hundred sixty (260) points or higher pursuant to the rating system established by rule.
- (f) Final designation of a classified position as "executive" in this definition shall be made by the administrator. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(13) "Exempt employee" means any employee, classified or nonclassified, who is determined to be an executive, professional or administrative employee as defined herein, or who qualifies for any other exemption from cash compensation for overtime under applicable federal law. Final designation of a classified position as exempt shall be made by the administrator.

(14) "Full-time employee" means any employee working a forty (40) hour workweek.

(15) ~~"Holiday" means the following:~~

- ~~January 1 (New Year's Day);~~
- ~~Third Monday in January (Martin Luther King, Jr. - Idaho Human Rights Day);~~
- ~~Third Monday in February (Washington's Birthday);~~
- ~~Last Monday in May (Memorial Day);~~
- ~~July 4 (Independence Day);~~
- ~~First Monday in September (Labor Day);~~
- ~~Second Monday in October (Columbus Day);~~
- ~~November 11 (Veterans Day);~~
- ~~Fourth Thursday in November (Thanksgiving);~~
- ~~December 25 (Christmas).~~

~~In addition, the term "holiday" shall mean any day so designated by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday. "Holidays" are enumerated in section 73-108, Idaho Code.~~

In the event that a holiday occurs on a Saturday, the preceding Friday shall be a holiday, and if the holiday falls on a Sunday, the following Monday shall be a holiday.

A holiday is a day of exemption from work granted to nonexecutive employees during which said employees shall be compensated as if they actually worked. Employees classified as executive exempt are entitled to ~~ten~~ eleven (101) paid holidays per year. If such an employee works on one (1) of the official holidays listed in this subsection, then such employee may take an alternative day off but shall not receive additional compensation.

(16) "Hours worked" means those hours actually spent in the performance of the employee's job on any day including holidays and shall not include vacation or sick leave or other approved leave of absence.

(17) "Nonclassified employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is exempted from the merit provisions of chapter 53, title 67, Idaho Code, as provided for in section 67-53039 (e), (f), (g), (j), (m), (o), (p), (w), and (x), Idaho Code.

(18) "Normal workweek" means any forty (40) hours worked during a particular one hundred sixty-eight (168) hour period as previously established by the employee's appointing authority.

(19) "Open competitive examination" means an examination that may be taken by qualified applicants to compete on an equal basis for listing on the register of eligibles for a classified position.

(20) "Overtime work" means time worked on holidays and time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, except that in the case of those employees engaged in law enforcement, correctional and fire protection activities characterized by irregular shift work schedules, time worked in excess of one hundred sixty (160) hours in a period of twenty-eight (28) consecutive days shall constitute overtime work within the meaning of this chapter. Such employees may also be paid overtime for specific hours worked in addition to their normal schedules upon emergency declaration by the governor or with the approval of the appointing authority and the board of examiners.

(21) "Participating department" means any department of the state of Idaho ~~that employs persons in classified positions subject to the merit examination, selection, retention, promotion and dismissal requirements of this chapter in the executive department reporting to the governor or a board or commission appointed by the governor.~~

(22) "Part-time employee" means any employee whose usually scheduled work is fewer than forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, and who shall not be entitled to sick leave accruals provided in section 67-5333, Idaho Code, vacation leave provided in section 67-5334, Idaho Code, nor holiday pay as defined in subsection (15) of this section, unless contributions are being made to the public employee retirement system in accordance with chapter 13, title 59, Idaho Code, and rules promulgated by the public employee retirement system board.

(23) "Personnel system" means the procedure for administering employees in accordance with this chapter.

(24) "Political office" means a public office for which partisan politics is a basis for nomination, election or appointment.

(25) "Political organization" means a party that sponsors candidates for election to political office.

(26) "Position" means a group of duties and responsibilities legally assigned or delegated by one (1) or more appointing authorities and requiring the employment of one (1) person.

(27) "Professional employee" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "professional" within this definition shall be made by the administrator. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

~~(28) "Provisional appointment" means appointment to a classified position pending the establishment of a register for such position, and employment shall not be continued in this status longer than thirty (30) days after establishment of a register.~~

~~(29)~~ "Public education entity" means community colleges, public school districts, public charter schools and the Idaho digital learning academy.

~~(30)~~ "Qualifying examination" means an examination or evaluation given to a selected person to determine eligibility for reclassification or appointment to a position in a classification.

~~(31)~~ "Register" means a list of names of persons who have been determined to be eligible for employment in a classified position as determined on the basis of examination and merit factors as established by the administrator.

(321) "Seasonal appointment" means an appointment to a position that is permanent in nature but that has intermittent work periods throughout the year.

(332) "Service rating" means a recorded evaluation of work performance and promotional potential of an employee by his supervisor.

(343) "State educational agency" means the following state agencies and educational institutions supervised by under the governance of the Idaho state board of education:

- (a) Boise state university;
- (b) Idaho state university;
- (c) University of Idaho;
- (d) Lewis-Clark state college;
- (e) Idaho public television;
- (f) The division of vocational rehabilitation;
- (g) The division of career technical education;
- (h) The office of the state board of education; and
- (i) The department of education; and
- (j) The public charter school commission.

(354) "Temporary appointment" means appointment to a position that is not permanent in nature and in which employment will not exceed one thousand three hundred eighty-five (1,385) hours during any twelve (12) month period. No person holding a temporary appointment may work in excess of one thousand three hundred eighty-five (1,385) hours during a twelve (12) month period of time for any one (1) department, except upon petition by the appointing authority of the department of lands that demonstrates good cause, the administrator of the division of human resources may extend the one thousand three hundred eighty-five (1,385) hour limit for employees of the department who are required to perform fire suppression activities.

(365) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

(376) "Veteran" is as defined in section 65-203, Idaho Code.

SECTION 4. That Section 67-5303, Idaho Code, be, and the same is hereby amended to read as follows:

67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state of Idaho and all employees in such departments, except those employees specifically defined as nonclassified, shall be classified employees, who are subject to this chapter and to the system of personnel administration which it prescribes. All nonclassified employees are subject to conformity with classified positions as set forth in section 59-1603, Idaho Code. Nonclassified employees shall be:

(a) Members of the state legislature and all other officers of the state of Idaho elected by popular vote, and persons appointed to fill vacancies in elective offices, and employees of the state legislature.

(b) Members of statutory boards and commissions and heads of departments appointed by and serving at the pleasure of the governor, deputy directors appointed by the director and members of advisory boards and councils appointed by the departments.

(c) All employees and officers in the office, and at the residence, of the governor; and all employees and officers in the offices of the lieutenant governor, secretary of state, attorney general, state treasurer, state controller, and state superintendent of public instruction who are appointed on and after the effective date of this chapter.

(d) Except as otherwise provided by law, not more than one (1) declared position for each board or commission and/or head of a participating department, in addition to those declared to be nonclassified by other provisions of law.

(e) Part-time professional consultants who are paid on a fee basis for any form of legal, medical or other professional service, and who are not engaged in the performance of administrative duties for the state.

(f) Judges, temporary referees, receivers and jurors.

(g) All employees of the Idaho supreme court, Idaho court of appeals and district courts.

(h) All employees of the Idaho state bar.

(i) Assistant attorneys general attached to the office of the attorney general.

(j) Officers, members of the teaching staffs of state higher educational institutions, the professional staffs of the office of the state board of education and the Idaho department of education administered by the board of regents and the board of education, all professional staff of the public charter school commission, and the professional staffs of the Idaho division of career technical education and vocational rehabilitation administered by the state board for career technical education. "Teaching staff" includes teachers, coaches, resident directors, librarians and those principally engaged in academic research. The word "officer" means presidents, vice presidents, deans, directors, or employees in positions designated by the state board who receive an annual salary of not less than step "A" of the pay grade equivalent to three hundred fifty-five (355) Hay points in the state compensation schedule. ~~A nonclassified employee who is designated as an "officer" on July 5, 1991, but does not meet the requirements of this subsection, may make a one (1) time irrevocable election to remain nonclassified. Such an election must be made not later than August 2, 1991. When such positions become vacant, these positions will be reviewed and designated as either classified or nonclassified in accordance with this subsection. In consultation with the Idaho division of human resources, the state board of education shall implement policies and procedures for nonclassified employees to conform with section 59-1603, Idaho Code.~~

(k) Employees of the military division.

(l) Patients, inmates or students employed in a state institution.

~~(m) Persons employed in positions established under federal grants, which, by law, restrict employment eligibility to specific individuals or groups on the basis of nonmerit selection requirements. Such employees shall be termed "project exempt" and the tenure of their employment shall be limited to the length of the project grant, or twenty-four (24) months, or four thousand one hundred sixty (4,160) hours of credited state service, whichever is of the shortest duration. No person hired on a project-exempt appointment shall be employed in any position allocated to the classified service.~~

~~(n) Temporary employees.~~

(en) All employees and officers of the following named commodity commissions, and all employees and officers of any commodity commission created hereafter: the Idaho potato commission, as provided in chapter 12, title 22, Idaho Code; the Idaho honey commission, as provided in chapter 28, title 22, Idaho Code; the Idaho bean commission, as provided in chapter 29, title 22, Idaho Code; the Idaho hop grower's commission, as provided in chapter 31, title 22, Idaho Code; the Idaho wheat commission, as provided in chapter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as provided in chapter 35, title 22, Idaho Code; the Idaho apple commission, as provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission, as provided in chapter 37, title 22, Idaho Code; the Idaho mint commission, as provided in chapter 38, title 22, Idaho Code; the Idaho sheep and goat health board, as provided in chapter 1, title 25, Idaho Code; the state brand inspector, and all district supervisors, as provided in chapter 11, title 25, Idaho Code; the Idaho beef council, as provided in chapter 29, title 25, Idaho Code; and the Idaho dairy products commission, as provided in chapter 31, title 25, Idaho Code.

(~~po~~) All inspectors of the fresh fruit and vegetable inspection service of the Idaho department of agriculture, except those positions involved in the management of the program.

(~~qp~~) All employees of correctional industries within the department of correction.

(~~rq~~) All deputy administrators and wardens employed by the department of correction. Deputy administrators are defined as only the deputy administrators working directly for the nonclassified division administrators under the director of the department of correction.

(~~sr~~) All public information positions, with the exception of secretarial positions, in any department.

(~~ts~~) Any division administrator.

(~~ut~~) Any regional administrator or division administrator in the department of environmental quality.

(~~vu~~) All employees of the division of financial management, all employees of the STEM action center, all employees of the office of species conservation, all employees of the office of drug policy and all employees of the office of energy resources.

(~~wv~~) All employees of the Idaho food quality assurance institute.

(~~xw~~) The state appellate public defender, deputy state appellate public defenders and all other employees of the office of the state appellate public defender.

(~~yx~~) All quality assurance specialists or medical investigators of the Idaho board of medicine.

(~~zy~~) All pest survey and detection employees and their supervisors hired specifically to carry out activities under the Idaho plant pest act, chapter 20, title 22, Idaho Code, including but not limited to pest survey, detection and eradication, except those positions involved in the management of the program.

(~~aaz~~) All medical directors employed by the department of health and welfare who are engaged in the practice of medicine, as defined by section 54-1803, Idaho Code, at an institution named in section 66-115, Idaho Code.

SECTION 5. That Section 67-5305, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 67-5308, Idaho Code, be, and the same is hereby amended to read as follows:

67-5308. AUTHORITY AND DUTIES OF THE DIVISION OF HUMAN RESOURCES -- SELECTION OF ADMINISTRATOR. (1) It shall be the duty of the division of human resources to administer this chapter. The administrator of the division of human resources shall have the duty, power and authority to employ such persons, make such expenditures, require such reports, make investigations of state classified and nonclassified employees, perform such travel pursuant to the provisions of this chapter, and to take such other actions as it deems necessary or suitable to that end.

(2) An administrator of the division of human resources in the office of the governor shall be appointed by the governor, shall be subject to confirmation by the senate and shall serve at the pleasure of [the] governor. The administrator shall be experienced in personnel administration. The administrator shall provide necessary support to the commission when it carries out its duties.

SECTION 7. That Section 67-5309, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309. RULES OF THE DIVISION OF HUMAN RESOURCES AND THE PERSONNEL COMMISSION. The administrator of the division of human resources shall have the power and authority to adopt, amend, or rescind such rules as may be necessary for proper administration of this chapter. Such rules may include:

(a) A rule requiring the administrator, after consulting with each department, to develop, adopt, and make effective a job classification system for positions covered by this chapter, based upon an analysis of the duties and responsibilities of the positions. The job classification shall include an appropriate title for each class and a description of duties and responsibilities of positions in the classes and the requirements of minimum training, experience and other qualifications suitable for the performance of duties of the position.

(b) A rule describing the relevant labor markets and benchmark job classifications used in the administrator's salary surveys.

(c) A rule requiring that all classes of positions which are common to the departments concerned shall have the same titles, minimum requirements and compensation ranges.

(d) A rule providing for review by the administrator of the personnel system, including classifications and compensation policies and procedures of state classified and nonclassified employees.

(e) A rule that, notwithstanding the procedure for examination and ranking of eligibles applicants on a register provided in subsection (f) of this section, an agency may appoint an individual directly into an entrance or promotional probation if the division of vocational rehabilitation, Idaho commission for the blind and visually impaired or the industrial commission certifies, with the concurrence of division of human resources staff, that the individual: (1) has a disability or handicap as defined under state or federal law; (2) is qualified to perform the essential functions of a particular classified position with or without reasonable accommodation; and (3) lacks competitiveness in the examination process due to the disability or handicap. The probationary period as provided in subsection (j) of this section shall be the sole examination for such individuals.

(f) A rule requiring fair and impartial selection of appointees to all positions other than those defined as nonclassified in this chapter, on the basis of open competitive merit examinations or evaluations. An application for an examination will be accepted after the closing date of the examination from a person who was serving in the armed forces or undergoing service-connected hospitalization up to one (1) year following discharge. The application must be submitted within one hundred twenty (120) days of separation from the armed forces or hospitalization and prior to the expiration of the register established as a result of the examination. A disabled veteran may file an application at any time up until a selection has been made for any position for which the division maintains a register as a source for future job openings or for which a register is about to be established, provided he or she has not already been examined twice for the same position and grade for which application is made, does not have current eligibility on that register, or is not serving in a competitive position in the same grade for which application is made. Examinations may be assembled or unassembled and may include various examining techniques such as rating of training and experience, written tests, oral interviews, recognition of professional licensing, performance tests, investigations and any other measure of ability to perform the duties of the position. Examinations shall be scored objectively. Five (5) points shall be added to the earned rating of any veteran as defined in section 65-203, Idaho Code, and the widow or widower of any veteran as defined in section 65-203, Idaho Code, as long as he or she remains unmarried. Pursuant to section 65-504, Idaho Code, ten (10) points shall be added to the earned rating of any disabled veteran as defined in section 65-502, Idaho Code, the widow or widower of any disabled veteran as long as he or she remains unmarried, or the spouse of any eligible disabled veteran who

cannot qualify for any public employment because of a service-connected disability. Employment registers shall be established in order of final score except that the names of all five (5) and ten (10) point preference eligibles resulting from any merit system or civil service examination shall be placed on the register in accordance with their augmented rating. Certification of eligibility for appointment to vacancies shall be in accordance with a formula that limits selection by the hiring department from among the twenty-five (25) top ranking available eligibles plus the names of all individuals with scores identical to the twenty-fifth ranking eligible on the register. A register with at least five (5) eligibles shall be adequate. Selective certification shall be permitted when justified by the hiring department, under rules to be made by the division defining adequate justification based on the duties and requirements of the positions. Such examinations need not be held until after the rules have been adopted, the service classified and a pay plan established, but shall be held not later than one (1) year after departments commence participation in the personnel system.

(g) A rule that, whenever practicable, a vacancy in a classified position shall be filled by the promotion of a qualified employee of the agency in which the vacancy occurs. An interagency promotion shall be made through competitive examination and all qualified state employees shall have the opportunity to compete for such promotions. If an employee's name appears within certifiable range on a current register for a higher class of position, he shall be eligible for a transfer and promotion.

(h) A rule for development and maintenance of a system of service ratings and the use of such ratings by all departments in connection with promotions, demotions, retentions, separations and reassignments. The rule shall require that an evaluation of each classified employee shall be made after each two thousand eighty (2,080) hour period of credited state service and that a copy of the evaluation shall be filed with the division.

(i) A rule prohibiting disqualification of any person from taking an examination, from appointment to a position, from promotion, or from holding a position because of race or national origin, color, sex, age, political or religious opinions or affiliations, and providing for right of appeal.

(j) A rule establishing a probation period not to exceed one thousand forty (1,040) hours of credited state service for all classified appointments and promotions, except that peace officers as defined in section 19-5101, Idaho Code, shall be subject to a probation period of two thousand eighty (2,080) hours of credited state service, and for the appointing authority to provide the employee and the administrator a performance evaluation indicating satisfactory or unsatisfactory performance not later than thirty (30) days after the expiration of the probationary period. The rule shall provide that if the appointing authority fails to provide a performance evaluation within thirty (30) days after the expiration of the probationary period, the employee shall be deemed to have satisfactorily completed the probation unless the appointing authority receives approval from the administrator to extend the probationary period for good cause for an additional specified period not to exceed one thousand forty (1,040) hours of credited state service. If an employee is performing in an unsatisfactory manner during the entrance probationary period, the appointing authority shall ask the employee to resign and, if no resignation is submitted, shall terminate the employment of such employee without the right of grievance or appeal.

(k) A rule concerning temporary appointments.

(l) A rule governing the employment of consultants and persons retained under independent contract.



(m) A rule for the disciplinary dismissal, demotion, suspension or other discipline of classified employees only for cause with reasons given in writing. Such rule shall provide that any of the following reasons shall be proper cause for the disciplinary dismissal, demotion or suspension of any employee in the state classified service:

1. Failure to perform the duties and carry out the obligations imposed by the state constitution, state statutes and rules of the employee's department, or rules of the administrator or the division.
2. Inefficiency, incompetency, or negligence in the performance of duties, or job performance that fails to meet established performance standards.
3. Physical or mental incapability for performing assigned duties.
4. Refusal to accept a reasonable and proper assignment from an authorized supervisor.
5. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in the employee's department.
6. Intoxication on duty.
7. Careless, negligent, or improper use or unlawful conversion of state property, equipment or funds.
8. Use of any influence that violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage.
9. Conviction of official misconduct in office, or conviction of any crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code.
10. Acceptance of gifts in exchange for influence or favors given in the employee's official capacity.
11. Habitual pattern of failure to report for duty at the assigned place and time.
12. Habitual improper use of sick leave privileges.
13. Unauthorized disclosure of confidential information from official records.
14. Absence without leave.
15. Misstatement or deception in the application for the position.
16. Failure to obtain or maintain a current license or certificate lawfully required as a condition for performing the duties of the job.
17. Prohibited participation in political activities.

(n) A rule to establish procedures for maintenance of a record of the employment history and appropriate information relating to performance of all classified and nonclassified employees under the personnel system. For the purposes of this rule, the state shall be considered one (1) employer.

(o) Rules to provide for recruitment programs in cooperation with department heads and the employment security agency in keeping with current employment conditions and labor market trends.

(p) Rules to establish procedures for classified position examinations as necessary for the purpose of maintaining current registers from which to fill employment vacancies.

(q) Other rules not inconsistent with the foregoing provisions of this section as may be necessary and proper for the administration and enforcement of this chapter.

~~(r) A rule concerning "project exempt" appointments.~~

~~(s) Rules relating to leave for state employees from official duties including, but not limited to, sick leave, military leave, jury duty, leaves of absence without compensation and such other forms of absence from performance of duties in the course of state employment as may be necessary.~~

~~(ts) A rule providing up to twenty-five percent (25%) shift differential pay based on local market practices.~~

~~(ut) A rule to establish guidelines for awarding employee suggestion awards set forth in sections 59-1603 and 67-5309D, Idaho Code.~~

(~~vu~~) A rule to establish the reimbursement of moving expenses for a current or newly hired state employee.

(~~wv~~) A rule to allow, at the request of the hiring agency, temporary service time to count toward fulfilling entrance probationary requirements as established in subsection (j) of this section.

(~~xw~~) A rule to allow, at the request of the hiring agency, acting appointment service time to count toward fulfilling promotional probationary requirements as established in subsection (j) of this section.

SECTION 8. That Section 67-5314, Idaho Code, be, and the same is hereby amended to read as follows:

67-5314. METHOD OF FINANCING. (1) There is hereby created in the state treasury the division of human resources fund. All participating departments are hereby authorized and directed to pay out of their funds to the state treasurer their respective shares of the authorized budget of the division. All moneys placed in said fund are hereby perpetually appropriated to the division for the administrative purposes of this chapter. All expenditures from said fund shall be paid out in warrants drawn by the state controller upon presentation of proper vouchers from the administrator.

(2) The division shall allocate costs of its operation to each participating department in the same proportion that the amount of the payroll for classified employees of the department bears to the total amount of the payroll for classified employees of all departments combined and averaged as to the basis for allocation of costs.

(3) Each participating department shall deposit to said fund on a pay period basis as prescribed by the state controller, an amount equal to its share of costs of operation of the human resources division according to the cost allocation formula set forth above. Departmental deposits for each succeeding fiscal year shall be at a percentage rate of salaries and wages for positions subject to this chapter, computed to be sufficient to carry out the intent and all provisions of this chapter as directed by the legislature.

(4) The division of human resources may negotiate fees with participating departments with only nonclassified employees to provide services to support state employment systems.

SECTION 9. That Section 67-5315, Idaho Code, be, and the same is hereby amended to read as follows:

67-5315. ESTABLISHMENT AND ADOPTION OF EMPLOYEE PROBLEM SOLVING AND DUE PROCESS PROCEDURES. (1) Each participating department shall, on or before July 1, 1999, establish and adopt an employee problem solving procedure within such department, which shall be reduced to writing and shall be in full compliance with the provisions of the uniform problem solving procedure as adopted by rule by the administrator pursuant to subsection (4) of this section. The department problem solving procedure shall be approved by the administrator of the division of human resources prior to implementation or amendment. A copy of the approved problem solving procedure plan shall be furnished and explained to each employee of the department concerned. No employee shall be disciplined or otherwise prejudiced in his employment for exercising his rights under the plan, and department heads shall encourage the use of the plan in the resolution of grievances arising in the course of public employment. A classified employee may file under the problem solving procedure any matter, except that compensation shall not be deemed a proper subject for consideration under the problem solving procedure except as it applies to alleged inequities within a particular agency or department, and except for termination during the entrance probationary period, and except for those matters set forth in subsection (2) of this section.

(2) No action of a participating department relating to a disciplinary dismissal, suspension or demotion, or an involuntary transfer of a classified state employee shall be effective until the affected employee shall have received notice and an opportunity to be heard. The classified employee may then appeal to the Idaho personnel commission those disciplinary matters set forth in section 67-5316(1) (a), Idaho Code.

(3) If the filing concerns a matter which is reviewable pursuant to section 67-5316, Idaho Code, the time for appeal to the commission shall not commence to run until the employee has completed the problem solving procedure provided by the department in accordance with the terms thereof or, in the case of disciplinary actions set forth in subsection (2) of this section, until the disciplinary action becomes effective; provided, however, the failure of an employee to pursue the problem solving procedures established within the department shall constitute a waiver of the employee's right of review by the commission.

(4) ~~On or before July 1, 1999, t~~The division of human resources shall adopt a rule defining uniform problem solving and due process procedures for use by all participating departments with classified employees. With respect to the problem solving procedure, the rule shall provide a complete procedure for all stages of the process, including problem solving meetings with department representatives in the employee's chain of command. With respect to the due process procedure, the rule shall provide that the employee receive notice and an opportunity to be heard before the department decides in favor of disciplinary action. The rule shall also provide for time periods for each step of the procedures. The rule shall provide for the use of an impartial mediator upon agreement between the agency and the employee. The employee shall be entitled to be represented by a person of the employee's own choosing at each step of the procedures, except the initial informal discussion with the immediate supervisor prior to filing under the problem solving procedure.

SECTION 10. That Section 67-5317, Idaho Code, be, and the same is hereby amended to read as follows:

67-5317. CLASSIFIED EMPLOYEE PETITION FOR REVIEW PROCEDURE. (1) If a classified employee files a petition for review is filed, the personnel commission shall review the record of the proceeding before the hearing officer, briefs submitted in accordance with any briefing schedule it orders, and any transcripts submitted of the hearing below. The commission may grant the parties the opportunity to present oral argument, but need not do so if the record clearly shows that the commission or the hearing officer lacks jurisdiction over the appeal or petition for review. The personnel commission may affirm, reverse or modify the decision of the hearing officer, may remand the matter, or may dismiss it for lack of jurisdiction.

(2) Any party in interest may file in the district court for the county in which any party to the proceedings resides, a certified copy of the decision of the commission, which the district court shall have the power to enforce by proper proceedings.

(3) A decision of the commission shall be final and conclusive between the parties, unless within forty-two (42) days of the filing of such decision either party appeals to the district court. Where the decision of the personnel commission directed the reinstatement of an employee, the employee shall be reinstated upon receipt of a copy of the decision unless a stay of the order be granted by the district court upon proper petition.

(4) Nonclassified employees are not eligible to seek review of any personnel action before the personnel commission.

SECTION 11. That Section 67-5328, Idaho Code, be, and the same is hereby amended to read as follows:

67-5328. HOURS OF WORK AND OVERTIME. (1) It is hereby declared to be the policy of the legislature of the state of Idaho that all classified state employees shall be treated substantially similar with reference to hours of employment. The policy of this state as declared in this act shall not restrict the extension of regular work hour schedules on an overtime basis in those activities and duties where such extension is necessary and authorized, provided that overtime work performed under such extension is compensated for as hereinafter provided.

(2) The appointing authority of any department shall determine the necessity for overtime work and shall provide for cash compensation or compensatory time off for such overtime work for eligible classified officers and employees, subject to the restrictions of applicable federal law.

(3) Cash for overtime and compensatory time shall be paid based on the following criteria:

(a) Classified and nonclassified officers and employees who fall within one (1) or more of the following categories are ineligible for cash compensation or compensatory time for overtime work:

(i) Elected officials; or

(ii) Those included in the definition of section 67-5303(j), Idaho Code.

(b) Classified and nonclassified employees who are designated as executive, as provided in section 67-5302, Idaho Code, and who are not included in the definition of subsection (3) (a) of this section, shall be ineligible for compensatory time or cash compensation for overtime work. Such salaried employees shall report absences in excess of one-half (1/2) day. Unused compensatory time balances in excess of two hundred forty (240) hours as of the date of enactment of this act shall be forfeited on December 31, 2008. Unused compensatory time balances of two hundred forty (240) hours or less shall be forfeited on December 31, 2006. Employees who become executives within their current agency as set forth in section 67-5302(12), Idaho Code, shall have twelve (12) months from the date of this act or of appointment, whichever is later, to use any compensatory time balance. After twelve (12) months, any remaining compensatory time will be forfeited. Compensatory time is not transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service.

(c) Classified and nonclassified employees who are designated as administrative or professional, as provided in the federal fair labor standards act, 29 U.S.C. section 201, et seq., or who are designated as exempt under any other complete exemption in federal law, and who are not included in the definition of either subsection (3) (a) or (3) (b) of this section, shall be ineligible for cash compensation for overtime work unless cash payment is authorized by the state board of examiners for overtime accumulated during unusual or emergency situations, but such classified and nonclassified employees shall be allowed compensatory time off from duty for overtime work. Such compensatory time shall be earned and allowed on a one (1) hour for one (1) hour basis, shall not be transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service. Compensatory time may be accrued and accumulated up to a maximum of two hundred forty (240) hours. Effective with the first pay period in July, 2008 (beginning date June 15, 2008), compensatory time balances in excess of two hundred forty (240) hours will not continue to accrue until the balance is below the maximum. After the last pay period in June, 2009 (ending date June 13, 2009), balances in excess of two hundred forty (240) hours shall be forfeited.

(d) Classified and nonclassified employees who are not designated as executive, administrative or professional as provided in this section, and who are not included in the definition of subsection (3) (a) of this section or who are not designated as exempt under any other complete exemption in federal law, shall be eligible for cash compensation or compensatory time off from duty for overtime work, subject to the restrictions of applicable federal law. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off which has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year, shall be paid in cash on the first payroll following the close of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash.

(e) Notwithstanding the provisions of this section, employees may be paid for overtime work during a disaster or emergency with the approval of the board of examiners.

(4) Cash compensation for overtime, when paid, shall be at one and one-half (1 1/2) times the hourly rate of that officer's or employee's salary or wage, except for those employees whose positions fall within the definitions of executive, administrative or professional as stated in section 67-5302, Idaho Code, who will be paid at their regular hourly rate of pay as provided for in subsection (3) of this section.

(5) Except as provided for in subsection (3) of this section, compensation for authorized overtime work shall be made at the completion of the pay period next following the pay period in which the overtime work occurred and shall be added to the regular salary payment.

(6) At the request of the administrator of the division of human resources, agencies in the executive department shall conduct a review and cooperate with the division of human resources to ensure all fair labor standards act requirements are appropriately implemented for all positions and provide the report to the division of human resources.

SECTION 12. That Section 67-5332, Idaho Code, be, and the same is hereby amended to read as follows:

67-5332. CREDITED STATE SERVICE -- APPLICABILITY -- COMPUTATION. (1) For the purposes of payroll, vacation or annual leave, sick leave and other applicable purposes, credited state service shall be earned by:

(a) Classified Eligible classified and nonclassified officers and employees of any department, commission, division, agency or board of the executive department;

(b) Such other classified and nonclassified officers and employees as may be prescribed by law or by order of the state board of examiners.

(2) Service in the employ of any of the following units of government, or other similar units, shall not earn credited state service: counties, cities, school districts, community college districts, irrigation districts and highway districts. Service as an independent contractor or consultant is not state service.

(3) One (1) hour of credited state service shall be earned by each eligible state officer or employee for each hour, or major fraction thereof, worked or on approved leave as provided in subsection (4) of this section.

(4) Credited state service shall be earned when on approved leave with pay, on approved vacation leave, approved military leave, on approved sick leave, and holiday leave, but not when compensatory time or earned administrative leave is taken.

(5) Service for retirement purposes shall be as provided in chapter 13, title 59, Idaho Code.

SECTION 13. That Section 67-5333, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(a) Upon separation from state employment by retirement in accordance with chapter 13, title 59, or chapter 1, title 33, Idaho Code, an employee's unused sick leave shall be determined based on accumulated sick leave earned subsequent to July 1, 1976, and shall be reported by the employer to the public employee retirement system. Upon separation from state employment by retirement in accordance with chapter 20, title 1, Idaho Code, an employee's unused sick leave shall be determined based on accumulated sick leave earned subsequent to July 1, 2000, and shall be reported by the employer to the public employee retirement system. A sum equal to one-half (1/2), or the maximum amount allowed by paragraph (b) of this subsection, whichever is the lesser, of the

monetary value of such unused sick leave, calculated at the rate of pay for such employee at the time of retirement, as determined by the retirement board, shall be transferred from the sick leave account provided by paragraph (c) of this subsection and shall be credited to such employee's retirement account. Such sums shall be used by the Idaho public employee retirement board to pay premiums, as permitted by and subject to applicable federal tax laws and limits, for such health, dental, vision, long-term care, prescription drug and life insurance programs as may be maintained by the state, to the extent of the funds credited to the employee's account pursuant to this section. Upon an employee's death, any unexpended sums remaining in the account shall revert to the sick leave account.

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

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

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

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

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

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

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

SECTION 14. That Section 67-5342, Idaho Code, be, and the same is hereby amended to read as follows:

67-5342. SEVERANCE PAY FOR STATE EMPLOYEES. Upon termination from state service, no classified, nonclassified, or exempt employee shall be eligible for severance pay and no employer shall provide or pay severance pay to such an employee or former employee. As used in this section, "severance pay" shall mean money, exclusive of wages or salary, vacation leave payoff, and compensatory time leave and earned administrative leave payoff, paid to a classified, nonclassified, or exempt employee who resigns from state service of his own volition and not under duress.

SECTION 15. That Section 67-5342A, Idaho Code, be, and the same is hereby amended to read as follows:

67-5342A. SEVERANCE PAY -- PURCHASE OF MEMBERSHIP SERVICE PROHIBITED. The provisions of this section shall apply to classified ~~or~~, nonclassified, and exempt state employees of the legislative and executive branches of government. For purposes of this chapter, the term "severance pay" as provided for in section 67-5342, Idaho Code, shall include any payment by an employer toward the purchase of membership service pursuant to section 59-1363, Idaho Code. Provided however, that nothing in this section shall change any rights provided pursuant to section 59-1362, Idaho Code, related to active duty service.

SECTION 16. 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, 2022.

Approved March 22, 2022

CHAPTER 113  
(S.B. No. 1284)

AN ACT

RELATING TO TOBACCO AND ELECTRONIC SMOKING DEVICES; AMENDING SECTION 39-5702, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-5703, IDAHO CODE, TO PROVIDE THAT PARENTS OR GUARDIANS OF CERTAIN MINORS MAY BE REQUIRED TO PARTICIPATE IN AWARENESS PROGRAMS; AMENDING SECTION 39-5704, IDAHO CODE, TO REVISE AN AGE REQUIREMENT AND TO REVISE PROVISIONS REGARDING MINOR EMPLOYEES; AMENDING SECTION 39-5705, IDAHO CODE, TO REVISE AN AGE REQUIREMENT; AMENDING SECTION 39-5710, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PARTICIPATION OF MINORS IN CERTAIN INSPECTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-5714, IDAHO CODE, TO REVISE AN AGE REQUIREMENT; AMENDING SECTION 39-5715, IDAHO CODE, TO REVISE AN AGE REQUIREMENT; AMENDING SECTION 39-5717, IDAHO CODE, TO REVISE PROVISIONS REGARDING SHIPPING REQUIREMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-5702, Idaho Code, be, and the same is hereby amended to read as follows:

39-5702. DEFINITIONS. The terms used in this chapter are defined as follows:

(1) "Business" means any company, partnership, firm, sole proprietorship, association, corporation, organization, or other legal entity, or a representative of the foregoing entities.



(2) "Delivery sale" means to distribute tobacco products or electronic smoking devices to a consumer in a state where either:

(a) The individual submits the order for such sale by means of a telephonic or other method of voice transmission, data transfer via computer networks, including the internet and other online services, or facsimile, or the mails; or

(b) The tobacco products or electronic smoking devices are delivered by use of the mails or a delivery service.

(3) "Delivery service" means any person who is engaged in the commercial delivery of letters, packages or other containers.

(4) "Department" means the state department of health and welfare or its duly authorized representative.

(5) "Distribute" means to give, deliver, sell, offer to give, offer to deliver, offer to sell or cause any person to do the same or hire any person to do the same.

(6) "Minor" means a person under ~~eighteen (18)~~ twenty-one (21) years of age.

(7) "Minor-exempt permit" means a permittee location whose revenues from the sale of alcoholic beverages for on-site consumption comprises at least fifty-five percent (55%) of total revenues, or whose products and services are primarily obscene, pornographic, profane, or sexually oriented, is exempt from inspections assisted by a minor, if minors are not allowed in the location and such prohibition is posted clearly on all entrance doors.

(8) "Permit" means a permit issued by the department for the sale or distribution of tobacco products or electronic smoking devices.

(9) "Permittee" means the holder of a valid permit for the sale or distribution of tobacco products or electronic smoking devices.

(10) "Photographic identification" means state, district, territorial, possession, provincial, national or other equivalent government driver's license, identification card or military card, in all cases bearing a photograph and a date of birth, or a valid passport.

(11) "Random unannounced inspection" means an inspection of retail outlets by a law enforcement agency or by the department, with or without the assistance of a minor, to monitor compliance of this chapter.

(12) "Seller" means the person who physically sells or distributes tobacco products or electronic smoking devices.

(13) (a) "Tobacco product or electronic smoking device" means:

(i) Any substance containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to cigarettes, cigars, pipes, snuff, smoking or chewing tobacco, snus, tobacco papers, or smokeless tobacco;

(ii) Any electronic smoking device that may be used to deliver an aerosolized or a vaporized substance to the person inhaling from the device, including but not limited to an electronic cigarette, an electronic cigar, an electronic pipe, a vape pen, or an electronic hookah, or any component, part, or accessory of such a device, or any substance intended to be aerosolized or vaporized during use of the device, whether or not the substance contains nicotine, or any heated or lighted device intended to be used for inhalation; or

(iii) Any components, parts, or accessories of a tobacco product or an electronic smoking device, whether or not they contain tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, and pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, electronic hookah, or vape pen, or under any other product name or descriptor.

(b) The term "tobacco product or electronic smoking device" does not include drugs, devices, or combinations of products authorized for sale by the United States food and drug administration as those terms are defined in the federal food, drug, and cosmetic act.

(14) "Vending machine" means any mechanical, electronic, or other similar device which, upon the insertion of tokens, money or any other form of payment, dispenses tobacco products or electronic smoking devices.

(15) "Vendor-assisted sales" means any sale or distribution in which the customer has no access to the product except through the assistance of the seller.

(16) "Without a permit" means a business that has failed to obtain a permit or a business whose permit is suspended or revoked.

SECTION 2. That Section 39-5703, Idaho Code, be, and the same is hereby amended to read as follows:

39-5703. POSSESSION, DISTRIBUTION, OR USE BY A MINOR. (1) It shall be unlawful for a minor to possess, receive, purchase, use, or consume tobacco products or electronic smoking devices or to attempt any of the foregoing.

(2) It shall be unlawful for a minor to sell or distribute tobacco products or electronic smoking devices or to attempt either of the foregoing.

(3) It shall be unlawful for a minor to provide false identification or make any false statement regarding their age in an attempt to obtain tobacco products or electronic smoking devices.

(4) A minor who is assisting with a random unannounced inspection in accordance with this chapter shall not be in violation of this chapter.

(5) A minor may possess but not sell or distribute tobacco products or electronic smoking devices in the course of employment, for duties such as stocking shelves or carrying purchases to customers' vehicles.

(6) Penalties for violations by a minor. A violation of subsection (1) of this section by a minor shall constitute an infraction and shall be punishable by a fine of seventeen dollars and fifty cents (\$17.50). The first violation of subsection (2) or (3) of this section by a minor shall constitute an infraction and shall be punishable by a fine of two hundred dollars (\$200). A subsequent violation of subsection (2) or (3) of this section by a minor shall constitute a misdemeanor and shall be punishable by imprisonment in an appropriate facility not exceeding thirty (30) days, a fine not exceeding three hundred dollars (\$300), or both such fine and imprisonment. The court may, in addition to the penalties provided in this section, require the minor and, if the minor is under eighteen (18) years of age, the minor's parents or legal guardian to attend tobacco product or electronic smoking device awareness programs or to perform community service in programs related to tobacco product or electronic smoking device awareness.

SECTION 3. That Section 39-5704, Idaho Code, be, and the same is hereby amended to read as follows:

39-5704. PERMITTING OF TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES RETAILERS. (1) It shall be unlawful to sell or distribute or offer tobacco products or electronic smoking devices for sale or distribution at retail or to possess tobacco products or electronic smoking devices with the intention of selling at retail without having first obtained a tobacco product or electronic smoking device permit from the department, which shall be the only retail tobacco product or electronic smoking device permit or license required. Provided however, this section shall not be deemed to require a wholesaler or manufacturer's representative or employees who, in the course of their employment, stock shelves and replenish tobacco products or electronic smoking devices at a permittee's place of business to obtain a permit.

(2) The department shall administer the permitting of tobacco product or electronic smoking device retailers and shall be authorized to ensure compliance with this chapter. The department may promulgate rules in compliance with chapter 52, title 67, Idaho Code, regarding permitting of tobacco product or electronic smoking device retailers, inspections, and compliance checks, effective training, and employment practices under this chapter.

(3) Permits shall be issued annually for each business location to ensure compliance with the requirements of this chapter. A copy of this chapter, rules adopted by the department, appropriate signage required by this chapter, and any materials deemed necessary shall be provided with each permit issued.

(4) A separate permit must be obtained for each place of business and is nontransferable to another person, business, or location.

(5) Permittees may display the permit in a prominent location.

(6) A permittee may display a sign in each location within a place of business where tobacco products or electronic smoking devices are sold or distributed. A sign may be clearly visible to the customer and the seller and shall state: "STATE LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES TO PERSONS UNDER THE AGE OF ~~EIGHTEEN~~ (18) TWENTY-ONE (21) YEARS. PROOF OF AGE REQUIRED. ANYONE WHO SELLS OR DISTRIBUTES TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES TO A MINOR PERSON UNDER THE AGE OF TWENTY-ONE (21) YEARS IS SUBJECT TO STRICT FINES AND PENALTIES. MINORS PERSONS UNDER THE AGE OF TWENTY-ONE (21) YEARS ARE SUBJECT TO FINES AND PENALTIES."

(7) Permittees are responsible to educate employees as to the requirements of this chapter.

(8) It shall be unlawful for the permittee to allow employees who are minors to sell or distribute tobacco products or electronic smoking devices, except as provided in this subsection. Exception: Employees who are minors may possess but not sell or distribute tobacco products or electronic smoking devices in the course of employment, for such duties as stocking shelves or carrying purchases to customers' vehicles, and employees who are eighteen (18) years to twenty (20) years of age may sell or distribute tobacco products or electronic smoking devices in the course and scope of their employment.

SECTION 4. That Section 39-5705, Idaho Code, be, and the same is hereby amended to read as follows:

39-5705. SALE OR DISTRIBUTION OF TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES TO A MINOR. (1) It shall be unlawful to sell, distribute, or offer tobacco products or electronic smoking devices to a minor.

(2) It shall be an affirmative defense that the seller of a tobacco product or an electronic smoking device to a minor in violation of this section had requested, examined, and reasonably relied upon a photographic identification from such person establishing that the person is at least ~~eighteen~~ (18) twenty-one (21) years of age prior to selling such person a tobacco product or an electronic smoking device. The failure of a seller to request and examine photographic identification from a person under ~~eighteen~~ (18) twenty-one (21) years of age prior to the sale of a tobacco product or an electronic smoking device to such person shall be construed against the seller and form a conclusive basis for the seller's violation of this section.

SECTION 5. That Section 39-5710, Idaho Code, be, and the same is hereby amended to read as follows:

39-5710. CONDUCT OF ENFORCEMENT ACTIONS. (1) It is the intent of the legislature that law enforcement agencies, the attorney general, and the department shall enforce this chapter and rules promulgated pursuant thereto in a manner that can reasonably be expected to significantly reduce the extent to which tobacco products and electronic smoking devices are sold or distributed to minors.

(2) Law enforcement agencies may conduct random unannounced inspections at locations where tobacco products or electronic smoking devices are sold or distributed to ensure compliance with this chapter. A copy of all citations issued under this chapter shall be submitted to the department.

(3) The department shall conduct at least one (1) random unannounced inspection per year at all locations where tobacco products or electronic smoking devices are sold or distributed at retail to ensure compliance with this chapter. The department shall conduct inspections for minor-exempt permittees without the assistance of a minor. The department shall conduct inspections for all other permittees with the assistance of a minor. Each year, the department shall conduct random unannounced inspections equal to the number of permittees multiplied by the violation percentage rate reported for the previous year multiplied by a factor of ten (10). Local law enforcement agencies are encouraged to contract with the department to perform these required inspections.

(4) Minors may assist with random unannounced inspections with, provided that minors under the age of eighteen (18) years must have the written consent of a parent or legal guardian. When assisting with these inspections, minors shall not provide false identification ~~nor~~ or make any false statement regarding their age.

(5) Citizens may file a written complaint of noncompliance of this chapter with the department, or with a law enforcement agency. Permit holders under 26 U.S.C. 5712 may file written complaints relating to delivery sales to the department or the attorney general's offices. Complaints shall be investigated and the proper enforcement actions taken.

(6) Within a reasonable time, not later than two (2) business days after an inspection has occurred, a representative of the business inspected shall be informed in writing of the results of the inspection.

(7) The attorney general or his designee, or any person who holds a permit under 26 U.S.C. 5712, may bring an action in district court in Idaho to prevent or restrain violations of this chapter by any person or by any person controlling such person.

SECTION 6. That Section 39-5714, Idaho Code, be, and the same is hereby amended to read as follows:

39-5714. REQUIREMENTS FOR DELIVERY SALES. (1) No permittee shall make a delivery sale of tobacco products or electronic smoking devices to any individual who is under age ~~eighteen (18)~~ twenty-one (21) years in this state.

(2) Each permittee taking a delivery sale order shall comply with: the age verification requirements set forth in section 39-5715, Idaho Code; the disclosure and notice requirements set forth in section 39-5716, Idaho Code; the shipping requirements set forth in section 39-5717, Idaho Code; the registration and reporting requirements set forth in section 39-5718, Idaho Code; all tax collection requirements provided by title 63, Idaho Code; and all other laws of the state of Idaho generally applicable to sales of tobacco products or electronic smoking devices that occur entirely within Idaho, including but not limited to those laws imposing excise taxes, sales and use taxes, licensing and tax stamping requirements, and escrow or other payment obligations.

SECTION 7. That Section 39-5715, Idaho Code, be, and the same is hereby amended to read as follows:

39-5715. AGE VERIFICATION REQUIREMENTS. No permittee shall mail or ship tobacco products or electronic smoking devices in connection with a delivery sale order unless, before mailing or shipping such tobacco products or electronic smoking devices, the permittee accepting the delivery sale order first obtains from the prospective customer a certification that includes proof of age that the purchaser is at least ~~eighteen (18)~~ twenty-one (21) years old, the credit or debit card used for payment has been issued in the purchaser's name, and the address to which the tobacco products or electronic smoking devices are being shipped matches the credit card company's address for the cardholder or employs technology that requires and authenticates independent, third-party age and identity verification services, comparing data against third-party sources.

SECTION 8. That Section 39-5717, Idaho Code, be, and the same is hereby amended to read as follows:

39-5717. SHIPPING REQUIREMENTS -- TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES. Each permittee who mails or ships tobacco products or electronic smoking devices in connection with a delivery sale order shall include as part of the shipping documents a clear and conspicuous statement providing as follows:

"TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES: IDAHO LAW PROHIBITS SHIPPING TO INDIVIDUALS UNDER THE AGE OF ~~EIGHTEEN~~ TWENTY-ONE (21) YEARS, AND REQUIRES THE PAYMENT OF TAXES PURSUANT TO CHAPTER 25, TITLE 63, IDAHO CODE. PERSONS VIOLATING THIS LAW MAY BE CIVILLY AND CRIMINALLY LIABLE."

Anyone ~~delivering~~ who delivers any such container distributes tobacco products or electronic smoking devices as defined in section 39-5702(5), Idaho Code, and is subject to the terms and requirements of this chapter. If a permittee taking a delivery sale order also delivers the tobacco products or electronic smoking devices without using a third-party delivery service, the permittee shall comply with all the requirements of vendor-assisted sales as defined in section 39-5702(15), Idaho Code.

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, 2022.

Approved March 22, 2022

CHAPTER 114  
(H.B. No. 686)

AN ACT

RELATING TO THE APPROPRIATION TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; PROVIDING REQUIREMENTS FOR THE TRANSFER OF MONEYS FROM EARNINGS RESERVE FUNDS TO INCOME FUNDS; 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 Endowment Fund Investment Board the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Miscellaneous Revenue				
Fund	\$74,900	\$13,100		\$88,000
Endowment Earnings Administrative				
Fund	<u>577,900</u>	<u>165,600</u>	<u>\$2,000</u>	<u>745,500</u>
TOTAL	\$652,800	\$178,700	\$2,000	\$833,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Endowment Fund Investment Board is authorized no more than four (4.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. The Endowment Fund Investment Board is hereby granted continuous appropriation authority for consulting fees, custodial fees, investment manager fees, and other portfolio-related external costs for the period July 1, 2022, through June 30, 2023.

SECTION 4. TRANSFERS FROM EARNINGS RESERVE FUNDS. For fiscal year 2023, it is hereby appropriated and the Endowment Fund Investment Board shall transfer \$100,315,000 as follows: \$61,532,200 from the Public School Earnings Reserve Fund to the Public School Income Fund; \$1,927,500 from the Agricultural College Earnings Reserve Fund to the Agricultural College Income Fund; \$7,008,000 from the Charitable Institutions Earnings Reserve Fund to the Charitable Institutions Income Fund; \$6,568,700 from the Normal School Earnings Reserve Fund to the Normal School Income Fund; \$3,139,600 from the Penitentiary Earnings Reserve Fund to the Penitentiary Income Fund; \$6,672,700 from the Scientific School Earnings Reserve Fund to the Scientific School Income Fund; \$7,586,400 from the Mental Hospital Earnings Reserve Fund to the Mental Hospital Income Fund; and \$5,879,900 from the University Earnings Reserve Fund to the University Income Fund.

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, 2022.

Approved March 22, 2022

CHAPTER 115  
(H.B. No. 679)

AN ACT

RELATING TO THE APPROPRIATION TO THE MILITARY DIVISION FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE MILITARY DIVISION MILITARY MANAGEMENT PROGRAM FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE MILITARY DIVISION OFFICE OF EMERGENCY MANAGEMENT PROGRAM 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 113, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Military Division for the Military Management Program \$5,700,000 from the General Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 113, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Military Division for the Office of Emergency Management Program \$300,000 from the General Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022.

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

Approved March 22, 2022

CHAPTER 116  
(H.B. No. 606)

AN ACT

RELATING TO THE RIGHT TO FARM; AMENDING SECTION 22-4502, IDAHO CODE, TO REVISE A DEFINITION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 22-4502, Idaho Code, be, and the same is hereby amended to read as follows:

22-4502. DEFINITIONS. As used in this chapter:

(1) "Agricultural facility" includes, without limitation, any land, building, structure, ditch, drain, pond, impoundment, appurtenance, machinery or equipment that is used in an agricultural operation.

(2) "Agricultural operation" means an activity or condition that occurs in connection with the production of agricultural products for food, fiber, fuel and other lawful uses, and includes, without limitation:

(a) Construction, expansion, use, maintenance and repair of an agricultural facility;

(b) Preparing land for agricultural production;

(c) Applying pesticides, herbicides or other chemicals, compounds or substances labeled for insects, pests, crops, weeds, water or soil;

(d) Planting, irrigating, growing, fertilizing, harvesting or producing agricultural, horticultural, floricultural and viticultural crops, fruits and vegetable products, field grains, seeds, hay, sod and nursery stock, and other plants, plant products, plant byproducts, plant waste and plant compost;

(e) Breeding, hatching, raising, producing, feeding and keeping livestock, dairy animals, swine, fur-bearing animals, poultry, eggs, fish and other aquatic species, and other animals, animal products and animal byproducts, animal waste, animal compost, and bees, bee products and bee byproducts;

(f) Processing and packaging agricultural products, including the processing and packaging of agricultural products into food and other agricultural commodities;

(g) Manufacturing animal feed;

(h) Transporting agricultural products to or from an agricultural facility;

(i) Noise, odors, dust, fumes, light and other conditions associated with an agricultural operation or an agricultural facility;

(j) Selling agricultural products at a farmers or roadside market;

(k) Participating in a government-sponsored agricultural program; and

(l) The ingress and egress of agricultural aircraft to agricultural lands or treatment areas.

(3) "Nonagricultural activities," for the purposes of this chapter, means residential, commercial or industrial property development and use not associated with the production of agricultural products.

(4) "Improper or negligent operation" means that the agricultural operation is not undertaken in conformity with federal, state and local laws and regulations or permits, and adversely affects the public health and safety.



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, 2022.

Approved March 22, 2022

CHAPTER 117  
(H.B. No. 576)

AN ACT

RELATING TO ABATEMENT DISTRICTS; AMENDING SECTION 39-2803, IDAHO CODE, TO PROVIDE THAT THE BOARD OF TRUSTEES OF AN ABATEMENT DISTRICT MAY HAVE THREE OR FIVE MEMBERS AS DETERMINED BY THE COUNTY COMMISSIONERS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-2803, Idaho Code, be, and the same is hereby amended to read as follows:

39-2803. SELECTION OF OFFICIALS OF ABATEMENT DISTRICTS. A ~~five~~ (5) member board of trustees shall be appointed from those residing within the area of the proposed abatement district to govern the abatement district. The trustees appointed shall at the first meeting of each year elect a president, secretary, and treasurer to serve during the ensuing year. The officers of the board shall be bonded to the extent of five hundred dollars (\$500) to five thousand dollars (\$5,000) each as set by the county commissioners. The members of the board shall be appointed by the county commissioners of the county ~~which they are to represent.~~ When two (2) or more counties or portions thereof comprise an abatement district, the selection of trustees will be made by mutual agreement of the county commissioners concerned. A board of trustees may have three (3) or five (5) members, as determined by the county commissioners. Each trustee shall be a resident property owner and a registered voter. Trustees shall be appointed for four (4) years on staggered appointments. To initiate the board, at least one (1) member shall be ~~two (2) members~~ are appointed for two (2) years, one (1) for three (3) years, and ~~two (2) one (1)~~ one (1) for four (4) years. Subsequent appointments shall be for four (4) years. Trustees shall serve without compensation but will be reimbursed for necessary expenses involved with the performance of their official duties. The county health officer and the county agent shall be ex officio members of the board. Whenever two (2) or more counties or portions thereof are included in the district, the health officer and county agent for each county shall be ex officio members of the board. The directors or heads of the following state departments or their designated representatives shall be considered ex officio members of the board and may be called upon for their advice and assistance in the handling of abatement problems affecting their direct interests: agriculture, fish and game, lands, transportation, water resources, and health and welfare.

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

Approved March 22, 2022

CHAPTER 118  
(H.B. No. 539)

AN ACT

RELATING TO DRIVER'S LICENSES; AMENDING SECTION 49-303, IDAHO CODE, TO PROVIDE FOR RENEWAL OF A SUSPENDED NONCOMMERCIAL DRIVER'S LICENSE IN CERTAIN INSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-319, IDAHO CODE, TO PROVIDE FOR RENEWAL OF A SUSPENDED NONCOMMERCIAL DRIVER'S LICENSE IN CERTAIN INSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-303, Idaho Code, be, and the same is hereby amended to read as follows:

49-303. ~~WHAT~~ WHICH PERSONS SHALL NOT BE LICENSED. The department shall not issue any driver's license, any instruction permit, privileges or right to drive and if issued, may revoke or cancel the driver's license of a person who:

(1) As an operator of a vehicle requiring a class D driver's license, is under the age of seventeen (17) years, except that the department may issue a driver's license to any person who has successfully completed an approved driver's training course, who has completed the requirements of a class D supervised instruction permit, and who is at least fifteen (15) years of age, with driving privileges restricted to daylight hours only except as provided in section 49-307(9), Idaho Code, and with full privileges at sixteen (16) years of age. The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. If a person who is at least fifteen (15) years but is under seventeen (17) years of age has successfully completed an approved driver's training course and has been issued a driver's license in another state, he may be issued a class D driver's license in this state. Provided however, that a restricted school attendance driving permit may be issued to those persons meeting the criteria set forth in section 49-307A, Idaho Code.

(2) As an operator of a vehicle requiring a class D driver's license, is under the age of seventeen (17) years and has not successfully completed an approved driver's training course and has not satisfied the requirements of a class D supervised instruction permit. Provided however, that a restricted school attendance driving permit may be issued to those persons meeting the criteria set forth in section 49-307A, Idaho Code.

(3) As an operator of a commercial vehicle requiring a class A, B or C driver's license, is under the age of eighteen (18) years.

(4) Applicants with less than one (1) year of driving experience, as evidenced by a previous driver's license, shall not be issued a class A, B or C driver's license or a class A, B or C instruction permit.

(5) As a driver, has had his license, class D instruction permit, restricted school attendance driving permit, privileges or right to drive suspended for the duration of the suspension, nor to any person who has had his class D driver's training instruction permit or class D supervised instruction permit canceled for the duration of the cancellation, nor to any person whose license has been revoked, suspended, canceled or disqualified by this state or any other jurisdiction; provided however, where a driver's license has been revoked, suspended, canceled or disqualified in any other jurisdiction, and the driver has completed the period of revocation, suspension, cancellation or disqualification as specified by the jurisdiction, that person may be granted a class D driver's license in this state if five (5) years have elapsed from the time of eligibility for reinstatement

in the other jurisdiction, even though the driver has not fulfilled the requirements for reinstatement in the other jurisdiction. Notwithstanding the provisions of this section, a person who has had his noncommercial Idaho driver's license suspended may renew his driver's license as provided in section 49-319, Idaho Code, which renewal shall be subject to the suspension.

(6) Has been adjudged by a court of competent jurisdiction to be an a habitual drunkard or addicted to the use of narcotic drugs, and such order has been received by the department.

(7) Has been adjudged by a licensed physician or by a court of competent jurisdiction to be afflicted with or suffering from any mental incompetence that would affect the person's ability to safely operate a motor vehicle and who has not at the time of application been restored to competency by the methods provided by law, and such order has been received by the department.

(8) Is required by the provisions of this chapter to take an examination, unless that person shall have successfully passed such examination.

(9) May be required under any law of this state to furnish proof of financial responsibility and who has not furnished that proof.

(10) The department has good cause to believe that the operation of a motor vehicle on the highways by that person would be harmful to public safety or welfare.

(11) Is disqualified for a class A, B or C driver's license, except he may be issued a class D driver's license.

(12) Is under eighteen (18) years of age and is not enrolled in school, and has not received a waiver pursuant to or has not satisfactorily completed school as provided in section 49-303A, Idaho Code.

(13) Is not a resident of the state of Idaho.

(14) Is not lawfully present in the United States.

SECTION 2. That Section 49-319, Idaho Code, be, and the same is hereby amended to read as follows:

49-319. EXPIRATION AND RENEWAL OF DRIVER'S LICENSE. (1) Every noncommercial Idaho driver's license issued to a driver shall expire and be renewable as follows:

(a) For drivers twenty-one (21) years of age or older, the driver's license shall expire on the licensee's birthday in the fourth year following the issuance of the driver's license.

(b) At the option of the applicant, for drivers twenty-one (21) years of age through sixty-two (62) years of age, the driver's license shall expire either on the licensee's birthday in either the fourth year or the eighth year following the issuance of the driver's license.

(c) Except for the provisions found in subsections (1)(e) and (3) of this section, every driver's license issued to a driver under eighteen (18) years of age shall expire five (5) days after the licensee's eighteenth birthday.

(d) Except for the provisions found in subsections (1)(e) and (3) of this section, every driver's license issued to a driver eighteen (18) years of age but under twenty-one (21) years of age shall expire five (5) days after the licensee's twenty-first birthday.

(e) Every driver's license that is not, as provided by law, suspended, revoked or disqualified in this state or any other jurisdiction shall be renewable on or before its expiration, but not more than twenty-five (25) months before, upon application, payment of the required fee, and satisfactory completion of the required vision screening. Notwithstanding the provisions of this section, a person who has had his noncommercial Idaho driver's license suspended may

renew his driver's license as provided in this section, which renewal shall be subject to the suspension.

(2) Except for the provisions found in subsection (3) of this section, every commercial driver's license issued to a person twenty-one (21) years of age or older shall expire on the licensee's birthday in the fourth year following issuance of the license, and any class A, B or C license issued to a person eighteen (18), nineteen (19) or twenty (20) years of age shall expire five (5) days after the licensee's twenty-first birthday. There shall be no option for an eight-year eight (8) year class A, B or C license.

(3) Every driver's license 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 license issued to citizens. Persons whose department of homeland security documents do not state an expiration date shall be issued a driver's license with an expiration date of one (1) year from the date of issuance. Fees shall be in accordance with the expiration periods and classes listed in section 49-306(1), Idaho Code.

(4) An applicant who is issued a driver's license in another jurisdiction after an Idaho driver's license has been issued is not eligible for renewal or a duplicate of the Idaho driver's license. The applicant may apply for a new Idaho driver's license as provided in section 49-306, Idaho Code.

(5) No knowledge test shall be required for renewal of a driver's license, except for renewal of a hazardous material endorsement. Appropriate knowledge and skill tests shall be required for an upgrade in a driver's license class or an endorsement addition. In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(6) Applicants for a hazardous material endorsement shall provide either proof of United States citizenship or proof of lawful, permanent United States residence and a valid federal bureau of citizenship and immigration services alien registration number. A security background records check and federal transportation security administration clearance shall be required for issuance, renewal or transfer of a hazardous material endorsement in accordance with 49 CFR part 383, subject to procedures established by the federal transportation security administration.

(7) When a driver's license has been expired for fewer than twenty-five (25) months, the renewal of the driver's license shall start from the original date of expiration regardless of the year in which the application for renewal is made. If the driver's license is expired for twenty-five (25) months or more, the applicant shall be required to take the appropriate knowledge test(s) and skills test(s) for the class of license or endorsement being applied for, and undergo vision screening. The license shall expire on the licensee's birthday in the fourth year following issuance of the driver's license for drivers twenty-one (21) years of age or older, except as otherwise provided in subsections (1) (e) and (3) of this section. At the option of the applicant, for drivers twenty-one (21) years of age through sixty-two (62) years of age, the renewed license shall expire ~~either~~ on the licensee's birthday in either the fourth year or the eighth year following issuance, except as otherwise provided in subsections (1) (e) and (3) of this section.

(8) (a) If a driver's license has expired or will expire and the licensee is temporarily out of state, except on active military duty, and the driver's license has not, as provided by law, been suspended, revoked, canceled, denied, refused or disqualified, the licensee may request in writing on a form prescribed by the department an extension of the driver's license. 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 driver's license is necessary, it may issue a license showing the date to which the expired driver's license is extended. License extensions are limited to two (2) consecutive extensions per licensee.

(b) Upon returning to the state of Idaho, the licensee shall, within ten (10) days, apply for a renewal of the expired driver's license and surrender the extended license and the expired driver's license.

(c) A hazardous material endorsement cannot be extended.

(9) An Idaho driver's license 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 ~~so as~~ as long as active duty continues, or shall be renewed upon application in person without the requirement to take a knowledge or skills test if ~~their~~ the Idaho driver's license expired while on active duty, if the driver's license is not suspended, denied, disqualified, canceled or revoked, as provided by law, during the active duty, and the driver's license shall remain in full force and effect sixty (60) days following the date the holder is released from active duty.

(10) The department may use a mail renewal process for ~~four-year~~ four (4) year class D licenses based on criteria established by rule.

(11) A seasonal driver's license is only valid for a one hundred eighty (180) day period from the date of issuance. Only one (1) seasonal driver's license may be obtained in any twelve (12) month period, and may only be obtained twice in a driver's lifetime.

(12) A person who applies for renewal of a license may request that the notation "permanently disabled" be imprinted on the license, and the department shall imprint "permanently disabled" on the license if:

(a) The person has a permanent disability; and

(b) The person presents written certification from a licensed physician, licensed physician assistant, or licensed advanced practice professional nurse verifying that the person's stated impairment qualifies as a permanent disability as provided in section 49-117, Idaho Code; and

(c) The department determines that the person meets the requirements for issuance of a license as specified in section 49-313, 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, 2022.

Approved March 22, 2022

CHAPTER 119  
(S.B. No. 1332)

AN ACT

RELATING TO WITNESSES; AMENDING SECTION 9-203, IDAHO CODE, TO PROVIDE FOR CONFIDENTIAL RELATIONS AND COMMUNICATIONS FOR EMPLOYEES AND VOLUNTEERS AT A DOMESTIC OR SEXUAL VIOLENCE PROGRAM IN CERTAIN INSTANCES, TO PROVIDE CERTAIN EXEMPTIONS, TO DEFINE TERMS, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 9-203, Idaho Code, be, and the same is hereby amended to read as follows:

9-203. CONFIDENTIAL RELATIONS AND COMMUNICATIONS. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person cannot be examined as a witness in the following cases:

1. A husband cannot be examined for or against his wife, without her consent, nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other nor to a criminal action or proceeding for a crime committed by violence of one against the person of the other, nor does this exception apply to any case of physical injury to a child where the injury has been caused as a result of physical abuse or neglect by one or both of the parents, nor does this exception apply to any case of lewd and lascivious conduct or attempted lewd and lascivious conduct where either party would otherwise be protected by this privilege.

2. An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon, in the course of professional employment. The word client used herein shall be deemed to include a person, a corporation or an association.

3. A clergyman or priest cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

4. A physician or surgeon cannot, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient, provided, however, that:

(A) Nothing herein contained shall be deemed to preclude physicians from reporting of and testifying at all cases of physical injury to children, where it appears the injury has been caused as a result of physical abuse or neglect by a parent, guardian or legal custodian of the child.

(B) Nothing herein contained shall be deemed to preclude physicians from testifying at all cases of physical injury to a person where it appears the injury has been caused as a result of domestic violence.

(C) After the death of a patient, in any action involving the validity of any will or other instrument executed, or claimed to have been executed, by him, conveying or transferring any real or personal property or incurring any financial obligation, such physician or surgeon may testify to the mental or physical condition of such patient and in so testifying may disclose information acquired by him concerning such

patient which was necessary to enable him to prescribe or act for such deceased.

(D) ~~That w~~Where any person or his heirs or representatives brings an action to recover damages for personal injuries or death, such action shall be deemed to constitute a consent by the person bringing such action that any physician who has prescribed for or treated said injured or deceased person and whose testimony is material in the action may testify.

(E) ~~That i~~If the patient be dead and during his lifetime had not given such consent, the bringing of an action by a beneficiary, assignee or payee or by the legal representative of the insured, to recover on any life, health or accident insurance policy, shall constitute a consent by such beneficiary, assignee, payee or legal representative to the testimony of any physician who attended the deceased.

5. A public officer cannot be examined as to communications made to him in official confidence, when the public interests would suffer by disclosure.

6. Any certificated counselor, psychologist or psychological examiner, duly appointed, regularly employed and designated in such capacity by any public or private school in this state for the purpose of counseling students, shall be immune from disclosing, without the consent of the student, any communication made by any student so counseled or examined in any civil or criminal action to which such student is a party. Such matters so communicated shall be privileged and protected against disclosure.

7. Any parent, guardian or legal custodian shall not be forced to disclose any communication made by their minor child or ward to them concerning matters in any civil or criminal action to which such child or ward is a party. Such matters so communicated shall be privileged and protected against disclosure; excepting, this section does not apply to a civil action or proceeding by one against the other nor to a criminal action or proceeding for a crime committed by violence of one against the person of the other, nor does this section apply to any case of physical injury to a minor child where the injury has been caused as a result of physical abuse or neglect by one or both of the parents, guardian or legal custodian.

8. A person employed by or volunteering at a nongovernmental domestic or sexual violence program shall not, without the written and signed consent of the recipient of services, be required to or compelled to disclose any communication made between the person in the course of employment or volunteer services for the domestic or sexual violence program and a recipient of the program's services or to disclose information or records about a recipient of the services of a domestic or sexual violence program, provided that disclosure of communications during or as part of court proceedings is subject to the rules of the Idaho supreme court. The provisions of this subsection shall not apply to communications made to a provider or employee during medical services, medical procedures, medical exams, medical evaluations, or forensic interviews.

9. For purposes of this section:

(A) "Recipient" means any individual who has received or inquired about receiving services or assistance from a domestic or sexual violence program, including shelter, advocacy, counseling, or other services offered by a domestic or sexual violence program.

(B) "Domestic or sexual violence program" means any nonprofit organization, nongovernmental organization, private entity, or tribe or tribal organization that has as its primary purpose the operation of shelters or supportive services for victims of domestic or sexual violence and their dependents or counseling, advocacy, or self-help services to victims of domestic or sexual violence.

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, 2022.

Approved March 22, 2022

CHAPTER 120  
(S.B. No. 1253)

AN ACT

RELATING TO THE WORKFORCE DEVELOPMENT COUNCIL; AMENDING SECTION 72-1202, IDAHO CODE, TO REMOVE A PROVISION REGARDING EMPLOYMENT BY THE STATE OF IDAHO; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 72-1202, Idaho Code, be, and the same is hereby amended to read as follows:

72-1202. YOUTH EMPLOYMENT AND JOB TRAINING PROGRAMS. (1) Subject to the availability of funds from public and private sources, the council shall develop and implement youth employment and job training programs to increase employment opportunities for Idaho's youth.

(2) The council shall establish eligibility criteria for participants. At a minimum, participants shall be lawful residents of the United States and the state of Idaho, and eligibility criteria shall not render employment and job training programs ineligible for federal funding.

(3) To the extent practicable, the council shall enlist state and federal agencies, local governments, nonprofit organizations, private businesses and any combination of such entities to act as sponsors for programs administered pursuant to this section. Selection of sponsors shall be based on criteria that include the availability of other resources on a matching basis, including contributions from private sources, other federal, state and local agencies, and moneys available through the federal workforce innovation and opportunity act, 29 U.S.C. 3101 et seq., as amended.

~~(4) Participants in youth employment and job training programs under this section shall not be employees of the state of Idaho entitled to personnel benefits under the state personnel system, chapter 53, title 67, 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 July 1, 2022.

Approved March 22, 2022



CHAPTER 121  
(S.B. No. 1369)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; 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. 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, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$297,800	\$57,500		\$355,300
Miscellaneous Revenue				
Fund		24,500		24,500
American Rescue Plan				
Fund	37,400	800,000	\$544,500	1,381,900
Federal Grant				
Fund	<u>297,700</u>	<u>970,000</u>	<u>3,209,800</u>	<u>4,477,500</u>
TOTAL	\$632,900	\$1,852,000	\$3,754,300	\$6,239,200

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, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of Drug Policy any unexpended and unencumbered balance appropriated to the Office of Drug Policy from the Federal COVID-19 Relief Fund for fiscal year 2022, in an amount not to exceed \$1,600,000 from the Federal COVID-19 Relief Fund, to be used for nonrecurring expenditures related to drug use prevention services for the period July 1, 2022, through June 30, 2023. 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, this act shall be in full force and effect on and after July 1, 2022.

Approved March 22, 2022

CHAPTER 122  
(S.B. No. 1323)

AN ACT

RELATING TO RAPE; AMENDING SECTION 18-6103, IDAHO CODE, TO REMOVE A PROVISION REGARDING RAPE AND TO REVISE A PROVISION REGARDING PENETRATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-6103, Idaho Code, be, and the same is hereby amended to read as follows:

18-6103. PENETRATION. ~~The essential guilt of rape consists in the outrage to the person and feelings of the female.~~ Any sexual penetration, however slight, is sufficient to complete the crime of rape.

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, 2022.

Approved March 22, 2022

CHAPTER 123  
(S.B. No. 1324)

AN ACT

RELATING TO MINORS; AMENDING SECTION 18-1506, IDAHO CODE, TO REMOVE A PROVISION REGARDING SEXUAL ABUSE OF A CHILD UNDER THE AGE OF SIXTEEN YEARS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-1508A, IDAHO CODE, TO REMOVE A PROVISION REGARDING SEXUAL BATTERY OF A MINOR SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-1506, Idaho Code, be, and the same is hereby amended to read as follows:

18-1506. SEXUAL ABUSE OF A CHILD UNDER THE AGE OF SIXTEEN YEARS. (1) It is a felony for any person eighteen (18) years of age or older, with the intent to gratify the lust, passions, or sexual desire of the actor, minor child or third party, to:

- (a) Solicit a minor child under the age of sixteen (16) years to participate in a sexual act;
- (b) Cause or have sexual contact with such minor child, not amounting to lewd conduct as defined in section 18-1508, Idaho Code; or
- (c) ~~Make any photographic or electronic recording of such minor child;~~  
~~or~~
- ~~(d)~~ Induce, cause or permit a minor child to witness an act of sexual conduct.

(2) For the purposes of this section, "solicit" means any written, verbal, or physical act which is intended to communicate to such minor child the desire of the actor or third party to participate in a sexual act or participate in sexual foreplay, by the means of sexual contact, photographing or observing such minor child engaged in sexual contact.

(3) For the purposes of this section, "sexual contact" means any physical contact between such minor child and any person, which is caused by the actor, or the actor causing such minor child to have self contact.

(4) For the purposes of this section, "sexual conduct" means human masturbation, sexual intercourse, sadomasochistic abuse, or any touching of the genitals or pubic areas of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

(5) Any person guilty of a violation of the provisions of this section shall be imprisoned in the state prison for a period not to exceed twenty-five (25) years.

SECTION 2. That Section 18-1508A, Idaho Code, be, and the same is hereby amended to read as follows:

18-1508A. SEXUAL BATTERY OF A MINOR CHILD SIXTEEN OR SEVENTEEN YEARS OF AGE -- PENALTY. (1) It is a felony for any person at least five (5) years of age older than a minor child who is sixteen (16) or seventeen (17) years of age, who, with the intent of arousing, appealing to or gratifying the lust, passion, or sexual desires of such person, minor child, or third party, to:

(a) Commit any lewd or lascivious act or acts upon or with the body or any part or any member thereof of such minor child including, but not limited to, genital-genital contact, oral-genital contact, anal-genital contact, oral-anal contact, manual-anal contact or manual-genital contact, whether between persons of the same or opposite sex, or who shall involve such minor child in any act of explicit sexual conduct as defined in section 18-1507, Idaho Code; or

(b) Solicit such minor child to participate in a sexual act; or

(c) Cause or have sexual contact with such minor child, not amounting to lewd conduct as defined in paragraph (a) of this subsection; ~~or~~

~~(d) Make any photographic or electronic recording of such minor child.~~

(2) For the purpose of subsection (1)(b) of this section, "solicit" means any written, verbal or physical act which is intended to communicate to such minor child the desire of the actor or third party to participate in a sexual act or participate in sexual foreplay, by the means of sexual contact, photographing or observing such minor child engaged in sexual contact.

(3) For the purpose of this section, "sexual contact" means any physical contact between such minor child and any person or between such minor children which is caused by the actor, or the actor causing such minor child to have self contact.

(4) Any person guilty of a violation of the provisions of subsection (1) (a) of this section shall be imprisoned in the state prison for a period not to exceed life.

(5) Any person guilty of a violation of the provisions of subsections (1) (b) ~~, (1) or~~ (c) ~~, or (1) (d)~~ of this section shall be imprisoned in the state prison for a period not to exceed twenty-five (25) years.

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, 2022.

Approved March 22, 2022

CHAPTER 124  
(S.B. No. 1325)

AN ACT

RELATING TO SEX CRIMES; REPEALING SECTION 18-6601, IDAHO CODE, RELATING TO ADULTERY; REPEALING SECTION 18-6603, IDAHO CODE, RELATING TO FORNICATION; REPEALING SECTION 18-6605, IDAHO CODE, RELATING TO CRIMES AGAINST NATURE AND PUNISHMENT; REPEALING SECTION 18-6606, IDAHO CODE, RELATING TO CRIMES AGAINST NATURE AND PENETRATION; AMENDING SECTION 18-6602, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS REGARDING INCEST, AND TO DEFINE A TERM; AMENDING CHAPTER 66, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6602, IDAHO CODE, TO PROVIDE FOR THE CRIME OF SEXUAL ABUSE OF AN ANIMAL, TO DEFINE TERMS, TO PROVIDE A PENALTY, AND TO PROVIDE CERTAIN EXEMPTIONS; AMENDING CHAPTER 66, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6603, IDAHO CODE, TO PROVIDE FOR THE CRIME OF SEXUAL ABUSE OF HUMAN REMAINS, TO DEFINE TERMS, TO PROVIDE A PENALTY, AND TO PROVIDE CERTAIN EXEMPTIONS; AMENDING SECTION 18-6608, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS REGARDING FORCIBLE PENETRATION BY USE OF A FOREIGN OBJECT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-6609, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE LANGUAGE; AMENDING SECTION 16-1602, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-2005, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-310, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 18-909, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 18-911, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 18-4502, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 18-7905, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 18-8303, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-8304, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE CORRECT CODE REFERENCES, TO REVISE PROVISIONS REGARDING APPLICABILITY, AND TO PROVIDE APPLICABILITY IN CERTAIN INSTANCES; AMENDING SECTION 18-8704, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 289, LAWS OF 2021, TO REDESIGNATE THE SECTION AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 19-2515, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 19-2520C, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 19-3004A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-509, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-525A, IDAHO CODE, TO REMOVE A CODE REFERENCE, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-1005, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE FOR CERTAIN CRIMES; AMENDING SECTION 39-1113, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO PROVIDE FOR CERTAIN CRIMES; AMENDING SECTION 72-1025, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-6601, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 18-6603, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 18-6605, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 18-6606, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 18-6602, Idaho Code, be, and the same is hereby amended to read as follows:

18-66021. INCEST. (1) ~~Persons being~~ Any person who willfully marries or engages in sexual intercourse with another person known to be within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, ~~who intermarry with each other, or who commit fornication or adultery with each other,~~ under section 32-205, Idaho Code, is guilty of a felony.

(2) For the purposes of this section, "sexual intercourse" means genital-genital, oral-genital, anal-genital, oral-anal, manual-anal, or manual-genital penetration between persons of the same or opposite sex.

(3) Any violations of this section are punishable by imprisonment in the state prison for a term not to exceed fifteen (15) years; however, if a victim is under the age of eighteen (18) years at the time of violation of this section, such violation is punishable by imprisonment in the state prison for a term not to exceed life.

SECTION 6. That Chapter 66, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-6602, Idaho Code, and to read as follows:

18-6602. SEXUAL ABUSE OF AN ANIMAL. (1) A person is guilty of a felony if that person:

- (a) Engages in sexual contact with an animal;
- (b) Advertises, solicits, offers, or accepts the offer of an animal or possesses, purchases, or otherwise obtains an animal with the intent that the animal be subject to sexual contact; or
- (c) Causes, aids, or abets another person to engage in sexual contact with an animal.

(2) As used in this section:

- (a) "Animal" means any living creature of the animal kingdom, other than a human being, whether dead or alive at the time of the violation of this section; and
- (b) "Sexual contact" means any act committed between a person and an animal for the purpose of sexual arousal, sexual gratification, abuse, or financial gain without a bona fide veterinary or animal husbandry purpose and involving:

- (i) Contact between the sex organs or anus of an animal and the mouth of the person or contact between the sex organs or anus of the person and the mouth of the animal;
- (ii) The insertion of any part of the animal's body into the vaginal or anal opening of the person; or
- (iii) The insertion of any part of the body of a person or any object into the vaginal or anal opening of an animal.

(3) Any person who violates this section may be punished by imprisonment in the state prison for a term not to exceed five (5) years. Additionally, the court may order a person who violates this section to:

- (a) Relinquish custody of some or all animals under the person's control at the time of the offense. If the person convicted of violating this section is not the owner of the animal that was the subject of the violation, then the animal shall be returned to the owner of the animal.

An animal returned to an owner under this section shall not be spayed or neutered prior to being returned; and

(b) Reimburse the agency or shelter caring for the animal for reasonable costs incurred for the care and treatment of the animal from the date of impoundment until the disposition of the criminal proceeding.

(4) Nothing in this section shall be construed to criminalize:

(a) Generally accepted veterinary practices in compliance with chapter 21, title 54, Idaho Code;

(b) Generally accepted agricultural, farming, ranching, and animal husbandry practices, including grooming, raising, breeding or artificially inseminating an animal for reproductive purposes, assisting with the birthing process of animals, or any other procedure that provides care for an animal;

(c) Generally accepted commercial, traditional, cultural, historical, or tribal practices, including judging of breed conformation, rodeos, horse racing, fairs, and stock sales and auctions; or

(d) Generally accepted hunting, fishing, and trapping practices in compliance with title 36, Idaho Code.

SECTION 7. That Chapter 66, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-6603, Idaho Code, and to read as follows:

18-6603. SEXUAL ABUSE OF HUMAN REMAINS. (1) A person is guilty of a felony if that person engages in sexual contact with human remains.

(2) As used in this section:

(a) "Human remains" means a deceased human body or any portion of a deceased human body in any condition or state of decomposition; and

(b) "Sexual contact" means any act committed between a person and human remains for the purpose of sexual arousal, sexual gratification, abuse, or financial gain involving genital-genital, oral-genital, anal-genital, oral-anal, manual-genital, or manual-anal contact between a person and human remains or penetration of the genitals or anus with an object, instrument, or device.

(3) Any person who violates this section may be punished by imprisonment in the state prison for a term not to exceed five (5) years.

(4) Nothing in this section shall be construed to criminalize:

(a) Generally accepted dental, nursing, or medical practices in compliance with chapter 9, chapter 18, or chapter 14, title 54, Idaho Code;

(b) Generally accepted organ donation or anatomical gift practices in compliance with chapter 34, title 39, Idaho Code;

(c) Generally accepted mortuary or funerary practices, including but not limited to embalming in compliance with chapter 11, title 54, Idaho Code; or

(d) Generally accepted investigative practices by coroners, medical examiners, pathologists, or the like.

SECTION 8. That Section 18-6608, Idaho Code, be, and the same is hereby amended to read as follows:

18-66084. FORCIBLE PENETRATION BY USE OF FOREIGN OBJECT. (1) Every A person who violates this section when that person willfully causes the penetration, however slight, of the genital or anal opening of another any person, by any object, instrument, or device:

(1a) Against the victim's will by:

(ai) Use of force or violence; or

(bii) Duress; or

(eiii) Threats of immediate and great bodily harm, accompanied by apparent power of execution; or

(2b) Where the victim is incapable, through any unsoundness of mind, whether temporary or permanent, of giving legal consent; or

(3c) Where the victim is prevented from resistance by any intoxicating, narcotic, or anesthetic substance; or

(4d) Where the victim is at the time unconscious of the nature of the act because the victim:

(ai) Was unconscious or asleep; or

(bii) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(2) A person who violates the provisions of this section shall be guilty of a felony and shall be punished by imprisonment in the state prison for not more than life.

(3) The provisions of this section shall not apply to bona fide medical, health care, or hygiene procedures.

SECTION 9. That Section 18-6609, Idaho Code, be, and the same is hereby amended to read as follows:

18-6609~~5~~. ~~CRIME OF VIDEO VOYEURISM~~. (1) As used in this section:

(a) "Broadcast" means the electronic transmittal of a visual image with the intent that it be viewed by a person or persons.

(b) "Disseminate" means to make available by any means to any person.

(c) "Imaging device" means any instrument capable of recording, storing, viewing or transmitting visual images.

(d) "Intimate areas" means the nude genitals, nude pubic area, nude buttocks or nude female nipple.

(e) "Person" means any natural person, corporation, partnership, firm, association, joint venture or any other recognized legal entity or any agent or servant thereof.

(f) "Place where a person has a reasonable expectation of privacy" means:

(i) A place where a reasonable person would believe that he could undress, be undressed or engage in sexual activity in privacy, without concern that he is being viewed, photographed, filmed or otherwise recorded by an imaging device; or

(ii) A place where a person might reasonably expect to be safe from casual or hostile surveillance by an imaging device; or

(iii) Any public place where a person, by taking reasonable steps to conceal intimate areas, should be free from the viewing, recording, storing or transmitting of images obtained by imaging devices designed to overcome the barriers created by a person's covering of intimate areas.

(g) "Publish" means to:

(i) Disseminate with the intent that such image or images be made available by any means to any person; or

(ii) Disseminate with the intent that such images be sold by another person; or

(iii) Post, present, display, exhibit, circulate, advertise or allow access by any means so as to make an image or images available to the public; or

(iv) Disseminate with the intent that an image or images be posted, presented, displayed, exhibited, circulated, advertised or made accessible by any means and to make such image or images available to the public.

(h) "Sell" means to disseminate to another person, or to publish, in exchange for something of value.

(i) "Sexual act" includes, but is not limited to, masturbation; genital, anal or oral sex; sexual penetration with an object; or the transfer or transmission of semen upon any part of the depicted person's body.

(2) A person is guilty of video voyeurism when, with the intent of arousing, appealing to or gratifying the lust or passions or sexual desires of such person or another person, or for his own or another person's lascivious entertainment or satisfaction of prurient interest, or for the purpose of sexually degrading or abusing any other person, he uses, installs or permits the use or installation of an imaging device at a place where a person would have a reasonable expectation of privacy, without the knowledge or consent of the person using such place.

(3) A person is guilty of video voyeurism when:

(a) With the intent to annoy, terrify, threaten, intimidate, harass, offend, humiliate or degrade, he intentionally disseminates, publishes or sells or conspires to disseminate, publish or sell any image of another person who is identifiable from the image itself or information displayed in connection with the image and whose intimate areas are exposed, in whole or in part, or who is engaged in a sexual act;

(b) He knew or reasonably should have known that the person depicted in the image understood that the image should remain private; and

(c) He knew or reasonably should have known that the person depicted in the image did not consent to the dissemination, publication or sale of the image.

(4) A violation of this section is a felony.

(5) This section does not apply to:

(a) An interactive computer service, as defined in 47 U.S.C. 230(f)(2), an information service, as defined in 47 U.S.C. 153 or a telecommunication service, as defined in section 61-121(2) or 62-603(13), Idaho Code, for content provided by another person, unless the provider intentionally aids or abets video voyeurism;

(b) Images involving voluntary exposure in public or commercial settings; or

(c) Disclosures made in the public interest including, but not limited to, the reporting of unlawful conduct or the lawful and common practices of law enforcement, criminal reporting, legal proceedings or medical treatment.

SECTION 10. 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, 18-66084, or 18-8602, Idaho Code.

(iii) Torture of a child. 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 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 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 parent, guardian or other custodian is unable to discharge 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.

(39) "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.

(40) "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.

(41) "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.

(42) "Shelter care" means places designated by the department for temporary care of children pending court disposition or placement.

(43) "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 11. That Section 16-2005, Idaho Code, be, and the same is hereby amended to read as follows:

16-2005. CONDITIONS UNDER WHICH TERMINATION MAY BE GRANTED. (1) The court may grant an order terminating the relationship where it finds that termination of parental rights is in the best interests of the child and that one (1) or more of the following conditions exist:

- (a) The parent has abandoned the child.
- (b) The parent has neglected or abused the child.
- (c) The presumptive parent is not the biological parent of the child.
- (d) The parent is unable to discharge parental responsibilities and such inability will continue for a prolonged indeterminate period and will be injurious to the health, morals or well-being of the child.
- (e) The parent has been incarcerated and is likely to remain incarcerated for a substantial period of time during the child's minority.

(2) The court may grant an order terminating the relationship and may rebuttably presume that such termination of parental rights is in the best interests of the child where:

(a) The parent caused the child to be conceived as a result of rape, incest, lewd conduct with a minor child under the age of sixteen (16) years, or sexual abuse of a child under the age of sixteen (16) years, as defined in sections 18-6101, 18-1508, 18-1506, and 18-6602, Idaho Code;

(b) The following circumstances are present:

(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 continuing the relationship 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, or 18-6608, Idaho Code;

(iii) Torture of a child; any conduct described in the code sections 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;

(iv) The parent has committed murder, aided or abetted a murder, solicited a murder or attempted or conspired to commit murder; or

(c) The court determines the child to be an abandoned infant, except in a parental termination action brought by one (1) parent against another parent.

(3) The court may grant an order terminating the relationship if termination is found to be in the best interest of the parent and child.

(4) The court may grant an order terminating the relationship where a consent to termination in the manner and form prescribed by this chapter has been filed by the parent(s) of the child in conjunction with a petition for adoption initiated by the person or persons proposing to adopt the child, or where the consent to termination has been filed by a licensed adoption agency, no subsequent hearing on the merits of the petition shall be held. Consents required by this chapter must be witnessed by a district judge or magistrate of a district court, or equivalent judicial officer of the state, where a person consenting resides or is present, whether within or without the county, and shall be substantially in the following form:

IN THE DISTRICT COURT OF THE . . . JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF . . .

In the Matter of the termination )  
of the parental rights of )  
. . . . . )  
. . . . . )

I (we), the undersigned, being the . . . of . . ., do hereby give my (our) full and free consent to the complete and absolute termination of my (our) parental right(s), to the said . . ., who was born . . ., . . ., unto . . ., hereby relinquishing completely and forever, all legal rights, privileges, duties and obligations, including all rights of inheritance to and from the said . . ., and I (we) do hereby expressly waive my (our) right(s) to hearing on the petition to terminate my (our) parental relationship with the said . . ., and respectfully request the petition be granted.

DATED: . . . . , 20..  
.....

STATE OF IDAHO )  
 ) ss.  
COUNTY OF . . . . )

On this . . . . day of . . . . , 20.. , before me, the undersigned . . . . , . . . . (Judge or Magistrate) of the District Court of the . . . . Judicial District of the state of Idaho, in and for the county of . . . . , personally appeared . . . . , known to me (or proved to me on the oath of . . . . ) to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she, they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

..... (District Judge or Magistrate)

(5) The court shall accept a consent or a surrender and release executed in another state if:

(1a) It is witnessed by a magistrate or district judge of the state where signed; or

(2b) The court receives an affidavit or a certificate from a court of comparable jurisdiction stating that the consent or the surrender and release was executed in accordance with the laws of the state in which it was executed, or the court is satisfied by other showing that the consent or surrender and release was executed in accordance with the laws of the state in which it was executed; ~~or.~~

(36) The court shall accept a termination or relinquishment from a sister state that has been ordered by a court of competent jurisdiction under like proceedings; or in any other manner authorized by the laws of a sister state. In a state where the father has failed to file notice of claim to paternity and willingness to assume responsibility as provided for pursuant to the laws of such state, and where such failure constitutes an abandonment of such child and constitutes a termination or relinquishment of the rights of the putative father, the court shall accept such failure as a termination in this state without further hearing on the merits, if the court is satisfied that such failure constitutes a termination or relinquishment of parental rights pursuant to the laws of that state.

(57) Unless a consent to termination signed by the parent(s) of the child has been filed by an adoption agency licensed in the state of Idaho, or unless the consent to termination was filed in conjunction with a petition for adoption of the child, the court shall hold a hearing.

(68) If the parent has a disability, as defined in this chapter, the parent shall have the right to provide evidence to the court regarding the manner in which the use of adaptive equipment or supportive services will enable the parent to carry out the responsibilities of parenting the child. Nothing in this section shall be construed to create any new or additional obligation on state or local governments to purchase or provide adaptive equipment or supportive services for parents with disabilities.

SECTION 12. That Section 18-310, Idaho Code, be, and the same is hereby amended to read as follows:

18-310. IMPRISONMENT -- EFFECT ON CIVIL RIGHTS AND OFFICES. (1) A sentence of custody to the Idaho state board of correction suspends all the civil rights of the person so sentenced, including the right to refuse treatment authorized by the sentencing court, and forfeits all public offices and all private trusts, authority or power during such imprisonment: provided that any such person may bring an action for damages or other relief in the courts of this state or have an action brought against such person; and

provided further that any such person may lawfully exercise all civil rights that are not political during any period of parole or probation, except the right to ship, transport, possess or receive a firearm, and the right to refuse treatment authorized by the sentencing court.

(2) Upon final discharge, a person convicted of any Idaho felony shall be restored the full rights of citizenship, except that for persons convicted of treason or those offenses enumerated in paragraphs (a) through (i) of this subsection the right to ship, transport, possess or receive a firearm shall not be restored. As used in this subsection, "final discharge" means satisfactory completion of imprisonment, probation and parole as the case may be.

- (a) Aggravated assault (18-905, 18-915, Idaho Code);
- (b) Aggravated battery (18-907, 18-915, Idaho Code);
- (c) Assault with intent to commit a serious felony (18-909, 18-915, Idaho Code);
- (d) Battery with intent to commit a serious felony (18-911, 18-915, Idaho Code);
- (e) Burglary (18-1401, Idaho Code);
- (f) ~~Crime against nature (18-6605, Idaho Code);~~
- ~~(g) Domestic battery, felony (18-918, Idaho Code);~~
- (h) Enticing of children, felony (18-1509, Idaho Code);
- (i) Forcible sexual penetration by use of a foreign object (18-6608~~4~~, Idaho Code);
- (j) Indecent exposure, felony (18-4116, Idaho Code);
- ~~(k) Injury to child, felony (18-1501, Idaho Code);~~
- ~~(l) Intimidating a witness, felony (18-2604, Idaho Code);~~
- ~~(m) Lewd conduct with a minor or child under sixteen (18-1508, Idaho Code);~~
- ~~(n) Sexual abuse of a child under sixteen (18-1506, Idaho Code);~~
- ~~(o) Sexual exploitation of a child (18-1507, Idaho Code);~~
- ~~(p) Felonious rescuing prisoners (18-2501, Idaho Code);~~
- ~~(q) Escape by one charged with, convicted of or on probation for a felony (18-2505, Idaho Code);~~
- ~~(r) Unlawful possession of a firearm (18-3316, Idaho Code);~~
- ~~(s) Degrees of murder (18-4003, Idaho Code);~~
- ~~(t) Voluntary manslaughter (18-4006(1), Idaho Code);~~
- ~~(u) Assault with intent to murder (18-4015, Idaho Code);~~
- ~~(v) Administering poison with intent to kill (18-4014, Idaho Code);~~
- ~~(w) Kidnapping (18-4501, Idaho Code);~~
- ~~(x) Mayhem (18-5001, Idaho Code);~~
- ~~(y) Rape (18-6101, Idaho Code);~~
- ~~(z) Robbery (18-6501, Idaho Code);~~
- ~~(aa) Ritualized abuse of a child (18-1506A, Idaho Code);~~
- ~~(bbaa) Cannibalism (18-5003, Idaho Code);~~
- ~~(eebb) Felonious manufacture, delivery or possession with the intent to manufacture or deliver, or possession of a controlled or counterfeit substance (37-2732, Idaho Code);~~
- ~~(ddcc) Trafficking (37-2732B, Idaho Code);~~
- ~~(eedd) Threats against state officials of the executive, legislative or judicial branch, felony (18-1353A, Idaho Code);~~
- ~~(ffee) Unlawful discharge of a firearm at a dwelling house, occupied building, vehicle or mobile home (18-3317, Idaho Code);~~
- ~~(ggff) Unlawful possession of destructive devices (18-3319, Idaho Code);~~
- ~~(hhgg) Unlawful use of destructive device or bomb (18-3320, Idaho Code);~~
- (i) Attempt (18-306, Idaho Code), conspiracy (18-1701, Idaho Code), or solicitation (18-2001, Idaho Code), to commit any of the crimes described in paragraphs (a) through (h) of this subsection.

(~~jjj~~) The provisions of this subsection shall apply only to those persons convicted of the enumerated felonies in paragraphs (a) through (~~iih~~) of this subsection on or after July 1, 1991, except that persons convicted of the felonies enumerated in paragraphs (~~sr~~) and (~~ts~~) of this subsection, for any degree of murder or voluntary manslaughter, shall not be restored the right to ship, transport, possess or receive a firearm, regardless of the date of their conviction if the conviction was the result of an offense committed by use of a firearm.

(3) A person not restored to the civil right to ship, transport, possess or receive a firearm may make application to the commission of pardons and parole to restore the civil right to ship, transport, possess or receive a firearm. The commission shall not accept any such application until five (5) years after the date of final discharge. The commission shall conduct the proceeding upon such application pursuant to rules adopted in accordance with the law. The commission shall not restore the right to ship, transport, possess or receive a firearm to any person convicted of murder in the first degree (18-4003, Idaho Code), murder in the second degree (18-4003, Idaho Code), or any felony enumerated in paragraphs (a) through (~~iih~~) of subsection (2) of this section, upon which the sentence was enhanced for the use of a firearm during the commission of said felony.

(4) Persons convicted of felonies in other states or jurisdictions shall be allowed to register and vote in Idaho upon final discharge which means satisfactory completion of imprisonment, probation and parole as the case may be. These individuals shall not have the right restored to ship, transport, possess or receive a firearm in the same manner as an Idaho felon as provided in subsection (2) of this section.

SECTION 13. That Section 18-909, Idaho Code, be, and the same is hereby amended to read as follows:

18-909. ASSAULT WITH INTENT TO COMMIT A SERIOUS FELONY DEFINED. An assault upon another with intent to commit murder, rape, ~~the infamous crime against nature~~, mayhem, robbery, or lewd and lascivious conduct with a minor child is an assault with the intent to commit a serious felony.

SECTION 14. That Section 18-911, Idaho Code, be, and the same is hereby amended to read as follows:

18-911. BATTERY WITH THE INTENT TO COMMIT A SERIOUS FELONY DEFINED. Any battery committed with the intent to commit murder, rape, ~~the infamous crime against nature~~, mayhem, robbery or lewd and lascivious conduct with a minor child is a battery with the intent to commit a serious felony.

SECTION 15. That Section 18-4502, Idaho Code, be, and the same is hereby amended to read as follows:

18-4502. FIRST DEGREE KIDNAPPING -- RANSOM. Any kidnapping committed for the purpose of obtaining money, property or any other thing of value for the return or disposition of such person kidnapped, or committed for the purpose of raping, ~~or committing the infamous crime against nature~~, or committing serious bodily injury upon the person kidnapped, or committing any lewd and lascivious act upon any child under the age of sixteen (16) years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of any person, shall be kidnapping in the first degree.

SECTION 16. That Section 18-7905, Idaho Code, be, and the same is hereby amended to read as follows:



18-7905. STALKING IN THE FIRST DEGREE. (1) A person commits the crime of stalking in the first degree if the person violates section 18-7906, Idaho Code, and:

- (a) The actions constituting the offense are in violation of a temporary restraining order, protection order, no contact order or injunction, or any combination thereof; or
- (b) The actions constituting the offense are in violation of a condition of probation or parole; or
- (c) The victim is under the age of sixteen (16) years; or
- (d) At any time during the course of conduct constituting the offense, the defendant possessed a deadly weapon or instrument; or
- (e) The defendant has been previously convicted of a crime under this section or section 18-7906, Idaho Code, or a substantially conforming foreign criminal violation within seven (7) years, notwithstanding the form of the judgment or withheld judgment; or
- (f) The defendant has been previously convicted of a crime, or an attempt, solicitation or conspiracy to commit a crime, involving the same victim as the present offense under any of the following provisions of Idaho Code or a substantially conforming foreign criminal violation within seven (7) years, notwithstanding the form of the judgment or withheld judgment:
  - (i) Chapter 9, title 18;
  - (ii) Chapter 15, title 18;
  - (iii) Chapter 61, title 18;
  - (iv) Section 18-4014 (administering poison with intent to kill);
  - (v) Section 18-4015 (assault with intent to murder);
  - (vi) Section 18-4501 (kidnapping);
  - (vii) Section 18-5501 (poisoning);
  - (viii) Section 18-660~~8~~4 (forcible sexual penetration by use of foreign object);
  - (ix) Section 18-7902 (malicious harassment); or
  - (x) Section 18-8103 (act of terrorism).

(2) In this section, "course of conduct" and "victim" have the meanings given in section 18-7906(2), Idaho Code.

(3) For the purpose of this section, a "substantially conforming foreign criminal violation" exists when a person has pled guilty to or has been found guilty of a violation of any federal law or law of another state, or any valid county, city, or town ordinance of another state substantially conforming to the provisions of this section or section 18-7906, Idaho Code. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.

(4) Stalking in the first degree is a felony punishable by a fine not exceeding ten thousand dollars (\$10,000) or imprisonment in the state prison for not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment.

SECTION 17. That Section 18-8303, Idaho Code, be, and the same is hereby amended to read as follows:

18-8303. DEFINITIONS. As used in this chapter:

(1) "Aggravated offense" means any of the following crimes: 18-1506A (ritualized abuse of a child); 18-1508 (lewd conduct); 18-4003(d) (murder committed in the perpetration of rape); 18-4502 (first-degree kidnapping committed for the purpose of rape, ~~committing an infamous crime against nature,~~ committing any lewd and lascivious act upon any child under the age of sixteen years or for purposes of sexual gratification or arousal); 18-4503 (second-degree kidnapping where the victim is an unrelated minor child and the kidnapping is committed for the purpose of rape, ~~committing an infamous crime against nature,~~ committing any lewd and lascivious act

upon any child under the age of sixteen years or for purposes of sexual gratification or arousal); 18-6101 (rape, but excluding section 18-6101(1) where the victim is at least twelve years of age or the defendant is eighteen years of age); 18-66084 (forcible penetration by use of a foreign object); 18-8602(1)(a)(i) (sex trafficking); and any other offense set forth in section 18-8304, Idaho Code, if at the time of the commission of the offense the victim was below the age of thirteen (13) years or an offense that is substantially similar to any of the foregoing offenses under the laws of another jurisdiction or military court or the court of another country.

(2) "Board" means the sexual offender management board described in section 18-8312, Idaho Code.

(3) "Central registry" means the registry of convicted sexual offenders maintained by the Idaho state police pursuant to this chapter.

(4) "Certified evaluator" means either a psychiatrist licensed by this state pursuant to chapter 18, title 54, Idaho Code, or a master's or doctoral level mental health professional licensed by this state pursuant to chapter 23, chapter 32, or chapter 34, title 54, Idaho Code. Such person shall have by education, experience and training, expertise in the assessment and treatment of sexual offenders, and such person shall meet the qualifications and shall be approved by the board to perform psychosexual evaluations in this state, as described in section 18-8314, Idaho Code.

(5) "Department" means the Idaho state police.

(6) "Employed" means full-time or part-time employment exceeding ten (10) consecutive working days or for an aggregate period exceeding thirty (30) days in any calendar year, or any employment that involves counseling, coaching, teaching, supervising or working with minors in any way regardless of the period of employment, whether such employment is financially compensated, volunteered or performed for the purpose of any government or education benefit.

(7) "Foreign conviction" means a conviction under the laws of Canada, Great Britain, Australia or New Zealand, or a conviction under the laws of any foreign country deemed by the U.S. department of state, in its country reports on human rights practices, to have been obtained with sufficient safeguards for fundamental fairness and due process.

(8) "Incarceration" means committed to the custody of the Idaho department of correction or department of juvenile corrections, but excluding cases where the court has retained jurisdiction.

(9) "Jurisdiction" means any of the following: a state, the District of Columbia, the commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, the federal government or a federally recognized Indian tribe.

(10) "Minor" means an individual who has not attained the age of eighteen (18) years.

(11) "Offender" means an individual convicted of an offense listed and described in section 18-8304, Idaho Code, or a substantially similar offense under the laws of another jurisdiction or military court or the court of another country deemed by the U.S. department of state, in its country reports on human rights practices, to have sufficient safeguards for fundamental fairness and due process.

(12) "Offense" means a sexual offense listed in section 18-8304, Idaho Code.

(13) "Psychosexual evaluation" means an evaluation that specifically addresses sexual development, sexual deviancy, sexual history and risk of reoffense as part of a comprehensive evaluation of an offender.

(14) "Recidivist" means an individual convicted two (2) or more times of any offense requiring registration under this chapter.

(15) "Residence" means the offender's present place of abode.

(16) "Student" means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution or institution of higher education.

(17) "Violent sexual predator" means a person who was designated as a violent sexual predator by the ~~sex~~ sexual offender classification management board where such designation has not been removed by judicial action or otherwise.

SECTION 18. That Section 18-8304, Idaho Code, be, and the same is hereby amended to read as follows:

18-8304. APPLICATION OF CHAPTER -- RULEMAKING AUTHORITY. (1) The provisions of this chapter shall apply to any person who:

(a) On or after July 1, 1993, is convicted of the crime, or an attempt, a solicitation, or a conspiracy to commit a crime provided for in section 18-909 (assault with intent to commit rape, ~~infamous crime against nature~~, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-911 (battery with intent to commit rape, ~~infamous crime against nature~~, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-919 (sexual exploitation by a medical care provider), 18-925 (aggravated sexual battery), 18-1505B (sexual abuse and exploitation of a vulnerable adult), 18-1506 (sexual abuse of a child under sixteen years of age), 18-1506A (ritualized abuse of a child), felony violations of 18-1507 (sexual exploitation of a child), 18-1508 (lewd conduct with a minor child), 18-1508A (sexual battery of a minor child sixteen or seventeen years of age), 18-1509A (enticing a child over the internet), 18-4003(d) (murder committed in perpetration of rape), 18-4116 (indecent exposure, but excluding a misdemeanor conviction), 18-4502 (first degree kidnapping committed for the purpose of rape, ~~committing the infamous crime against nature~~ or for committing any lewd and lascivious act upon any child under the age of sixteen, or for purposes of sexual gratification or arousal), 18-4503 (second degree kidnapping where the victim is an unrelated minor child), 18-5605 (detention for prostitution), 18-5609 (inducing person under eighteen years of age into prostitution), 18-5610 (utilizing a person under eighteen years of age for prostitution), 18-5611 (inducing person under eighteen years of age to patronize a prostitute), 18-6101 (rape, but excluding 18-6101(1) where the defendant is eighteen years of age), 18-6110 (sexual contact with a prisoner), 18-6602~~1~~ (incest), ~~18-6605 (crime against nature)~~, 18-6602 (sexual abuse of an animal), 18-6603 (sexual abuse of human remains), 18-66084 (forcible penetration by use of a foreign object), 18-66095 (video voyeurism where the victim is a minor or upon a second or subsequent conviction), 18-7804 (if the racketeering act involves kidnapping of a minor) or 18-8602(1)(a)(i) (sex trafficking), Idaho Code.

(b) On or after July 1, 1993, has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another jurisdiction, including military courts, or who has a foreign conviction that is substantially equivalent to the offenses listed in paragraphs (a) and (f) of this subsection and enters this state to establish residence or for employment purposes or to attend, on a full-time or part-time basis, any public or private educational institution including any secondary school, trade or professional institution or institution of higher education.

(c) Has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another jurisdiction, including military courts, or who has a foreign conviction that is substantially equivalent to the offenses listed in paragraphs (a) and (f) of this subsection and was required to register as a sex offender in any other state or jurisdiction when he established residency in Idaho.

(d) Pleads guilty to or has been found guilty of a crime covered in this chapter prior to July 1, 1993, and the person, as a result of the offense, is incarcerated in a county jail facility or a penal facility or is under probation or parole supervision, on or after July 1, 1993.

(e) Is a nonresident regularly employed or working in Idaho or is a student in the state of Idaho and was convicted, found guilty or pleaded guilty to a crime covered by this chapter and, as a result of such conviction, finding or plea, is required to register in his state of residence.

(f) On or after July 1, 1993, is convicted of the crime or an attempt, solicitation, or conspiracy to commit the infamous crime against nature, a felony offense formerly codified in chapter 66, title 18, Idaho Code, and whose conviction is entered before July 1, 2022.

(2) An offender shall not be required to comply with the registration provisions of this chapter while incarcerated in a correctional institution of the department of correction, a county jail facility, committed to the department of juvenile corrections or committed to a mental health institution of the department of health and welfare.

(3) A conviction for purposes of this chapter means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

(4) The department shall have authority to promulgate rules to implement the provisions of this chapter.

SECTION 19. That section 18-8704, Idaho Code, as enacted by Section 1, Chapter 289, Laws of 2021, be, and the same is hereby amended to read as follows:

18-87804. 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~~1~~, 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.

SECTION 20. That Section 19-2515, Idaho Code, be, and the same is hereby amended to read as follows:

19-2515. SENTENCE IN CAPITAL CASES -- SPECIAL SENTENCING PROCEEDING -- STATUTORY AGGRAVATING CIRCUMSTANCES -- SPECIAL VERDICT OR WRITTEN FINDINGS. (1) Except as provided in section 19-2515A, Idaho Code, a person convicted of murder in the first degree shall be liable for the imposition of the penalty of death if such person killed, intended a killing, or acted with reckless indifference to human life, irrespective of whether such person directly committed the acts that caused death.

(2) Where a person is sentenced to serve a term in the penitentiary, after conviction of a crime which falls within the provisions of section 20-1005, Idaho Code, except in cases where the court retains jurisdiction, the comments and arguments of the counsel for the state and the defendant relative to the sentencing and the comments of the judge relative to the sentencing shall be recorded. If the comments are recorded electronically, they need not be transcribed. Otherwise, they shall be transcribed by the court reporter.

(3) Where a person is convicted of an offense which may be punishable by death, a sentence of death shall not be imposed unless:

(a) A notice of intent to seek the death penalty was filed and served as provided in section 18-4004A, Idaho Code; and

(b) The jury, or the court if a jury is waived, finds beyond a reasonable doubt at least one (1) statutory aggravating circumstance. Where a statutory aggravating circumstance is found, the defendant shall be sentenced to death unless mitigating circumstances which may be presented are found to be sufficiently compelling that the death penalty would be unjust. The jury shall not direct imposition of a sentence of death unless it unanimously finds at least one (1) statutory aggravating circumstance and unanimously determines that the penalty of death should be imposed.

(4) Notwithstanding any court rule to the contrary, when a defendant is adjudicated guilty of murder in the first degree, whether by acceptance of a plea of guilty, by verdict of a jury, or by decision of the trial court sitting without a jury, no presentence investigation shall be conducted; provided however, that if a special sentencing proceeding is not held or if a special sentencing proceeding is held but no statutory aggravating circumstance has been proven beyond a reasonable doubt, the court may order that a presentence investigation be conducted.

(5) (a) If a person is adjudicated guilty of murder in the first degree, whether by acceptance of a plea of guilty, by verdict of a jury, or by decision of the trial court sitting without a jury, and a notice of intent to seek the death penalty was filed and served as provided in section 18-4004A, Idaho Code, a special sentencing proceeding shall be held promptly for the purpose of hearing all relevant evidence and arguments of counsel in aggravation and mitigation of the offense. Information concerning the victim and the impact that the death of the victim has had on the victim's family is relevant and admissible. Such information shall be designed to demonstrate the victim's uniqueness as an individual human being and the resultant loss to the community by the victim's death. Characterizations and opinions about the crime, the defendant and the appropriate sentence shall not be permitted as part of any victim impact information. The special sentencing proceeding shall be conducted before a jury unless a jury is waived by the defendant with the consent of the prosecuting attorney.

(b) If the defendant's guilt was determined by a jury verdict, the same jury shall hear the special sentencing proceeding; provided however, that if it is impracticable to reconvene the same jury to hear the special sentencing proceeding due to an insufficient number of jurors, the trial court may dismiss that jury and convene a new jury of twelve (12) persons, plus alternate jurors as the trial court deems necessary pursuant to section 19-1904, Idaho Code.

(c) If the defendant's guilt was determined by a plea of guilty or by a decision of the trial court sitting without a jury, or if a retrial of the special sentencing proceeding is necessary for any reason including, but not limited to, a mistrial in a previous special sentencing proceeding or as a consequence of a remand from an appellate court, the trial court shall impanel a jury of twelve (12) persons, plus alternate jurors as the trial court deems necessary pursuant to section 19-1904, Idaho Code, unless such jury is waived.

(d) If a special sentencing proceeding is conducted before a newly impaneled jury pursuant to the provisions of subsection (5)(b) or (5)(c) of this section, the state and the defense may present evidence to inform the jury of the nature and circumstances of the murder for which the defendant was convicted. The newly impaneled jury shall be instructed that the defendant has previously been found guilty of first-degree murder and that the jury's purpose is limited to making findings relevant for sentencing.

(6) At the special sentencing proceeding, the state and the defendant shall be entitled to present all relevant evidence in aggravation and mitigation. Disclosure of evidence to be relied on in the sentencing proceeding shall be made in accordance with Idaho criminal rule 16. Evidence admitted at trial shall be considered and need not be repeated at the sentencing hearing.

(7) The jury shall be informed as follows:

(a) If the jury finds that a statutory aggravating circumstance exists and no mitigating circumstances exist which would make the imposition of the death penalty unjust, the defendant will be sentenced to death by the court.

(b) If the jury finds the existence of a statutory aggravating circumstance but finds that the existence of mitigating circumstances makes the imposition of the death penalty unjust or the jury cannot unanimously agree on whether the existence of mitigating circumstances makes the imposition of the death penalty unjust, the defendant will be sentenced to a term of life imprisonment without the possibility of parole; and

(c) If the jury does not find the existence of a statutory aggravating circumstance or if the jury cannot unanimously agree on the existence of a statutory aggravating circumstance, the defendant will be sentenced by the court to a term of life imprisonment with a fixed term of not less than ten (10) years.

(8) Upon the conclusion of the evidence and arguments in mitigation and aggravation:

(a) With regard to each statutory aggravating circumstance alleged by the state, the jury shall return a special verdict stating:

(i) Whether the statutory aggravating circumstance has been proven beyond a reasonable doubt; and

(ii) If the statutory aggravating circumstance has been proven beyond a reasonable doubt, whether all mitigating circumstances, when weighed against the aggravating circumstance, are sufficiently compelling that the death penalty would be unjust.

(b) If a jury has been waived, the court shall:

(i) Make written findings setting forth any statutory aggravating circumstance found beyond a reasonable doubt;

(ii) Set forth in writing any mitigating circumstances considered; and

(iii) Upon weighing all mitigating circumstances against each statutory aggravating circumstance separately, determine whether mitigating circumstances are found to be sufficiently compelling that the death penalty would be unjust and detail in writing its reasons for so finding.

(9) The following are statutory aggravating circumstances, at least one (1) of which must be found to exist beyond a reasonable doubt before a sentence of death can be imposed:

- (a) The defendant was previously convicted of another murder.
- (b) At the time the murder was committed the defendant also committed another murder.
- (c) The defendant knowingly created a great risk of death to many persons.
- (d) The murder was committed for remuneration or the promise of remuneration or the defendant employed another to commit the murder for remuneration or the promise of remuneration.
- (e) The murder was especially heinous, atrocious or cruel, manifesting exceptional depravity.
- (f) By the murder, or circumstances surrounding its commission, the defendant exhibited utter disregard for human life.
- (g) The murder was committed in the perpetration of, or attempt to perpetrate, arson, rape, robbery, burglary, kidnapping or mayhem and the defendant killed, intended a killing, or acted with reckless indifference to human life.
- (h) The murder was committed in the perpetration of, or attempt to perpetrate, ~~an infamous crime against nature~~, lewd and lascivious conduct with a minor, sexual abuse of a child under sixteen (16) years of age, ritualized abuse of a child, sexual exploitation of a child, sexual battery of a minor child sixteen (16) or seventeen (17) years of age, or forcible sexual penetration by use of a foreign object, and the defendant killed, intended a killing, or acted with reckless indifference to human life.
- (i) The defendant, by his conduct, whether such conduct was before, during or after the commission of the murder at hand, has exhibited a propensity to commit murder which will probably constitute a continuing threat to society.
- (j) The murder was committed against a former or present peace officer, executive officer, officer of the court, judicial officer or prosecuting attorney because of the exercise of official duty or because of the victim's former or present official status.
- (k) The murder was committed against a witness or potential witness in a criminal or civil legal proceeding because of such proceeding.

SECTION 21. That Section 19-2520C, Idaho Code, be, and the same is hereby amended to read as follows:

19-2520C. EXTENSION OF PRISON TERMS FOR REPEATED SEX OFFENSES, EXTORTION AND KIDNAPPING. (1) Any person who is found guilty of violation of the provisions of sections 18-2401 (extortion), 18-4501 (kidnapping), 18-6101 (rape), ~~18-6605 (crime against nature)~~, or 18-1508 (lewd and lascivious conduct), Idaho Code, or any attempt or conspiracy to commit such crime(s); and committed such crime(s) by force, violence, duress, menace or threat of great bodily injury and who has been previously found guilty of any such crime, shall be sentenced to an extended term sentence. The extended term of imprisonment authorized in this section shall be computed by increasing the maximum sentence authorized for the crime for which the person was convicted by fifteen (15) years; provided, however, that no extension shall be imposed under this section for any such crime occurring prior to a period of fifteen (15) years during which the person remained free of prison custody, parole and being found guilty of a crime which is a felony; provided further that no extension shall be imposed under this subsection when the provisions of section 19-2520B, Idaho Code, would be applicable.

(2) Any person found guilty of an offense specified in subsection (1) of this section who has served two (2) or more prior prison terms for any crime specified in subsection (1) hereof, shall be sentenced to an extended term sentence. The extended term of imprisonment authorized in this section shall be computed by increasing the maximum sentence authorized for the crime for which the person was convicted by twenty (20) years; provided, that no extended term of imprisonment shall be imposed under this subsection for any prison term served prior to a period of fifteen (15) years during which the person remained free of prison custody, parole and being found guilty of a crime which is a felony.

(3) The extended terms of imprisonment required by this section shall apply to any aider or abettor; a person who acts in concert with, or a person who conspires with, the perpetrator of the crime.

(4) Any extended term of imprisonment required by this section shall not be imposed unless the fact of the prior commission of a crime is separately charged in the accusatory pleading and admitted by the accused or found to be true by the trier of fact after a verdict or finding of guilty on the substantive crime.

SECTION 22. That Section 19-3004A, Idaho Code, be, and the same is hereby amended to read as follows:

19-3004A. ADMINISTRATIVE SUBPOENA -- ELECTRONIC COMMUNICATION AND REMOTE COMPUTING SERVICES. (1) A provider of an electronic communication service or remote computing service that is transacting or has transacted any business in the state shall disclose the following to a prosecuting attorney or the attorney general pursuant to an administrative subpoena issued by the prosecuting attorney or attorney general:

(a) Records and information in its possession containing the name, address, local and long distance telephone connection records, or records of session times and durations, length of service, including the start date; and

(b) Records and information in its possession containing the types of service utilized, telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

(c) Records and information in its possession relating to the means and source of payment for such service pertaining to a subscriber to or customer of such service.

The provider of an electronic communication service or remote computing service shall deliver the records to the prosecuting attorney or attorney general within fourteen (14) days of receipt of the subpoena.

(2) For the purpose of this section, the following definitions shall apply:

(a) "Electronic communication service" has the same meaning as provided in section 18-6701(13), Idaho Code.

(b) "Remote computing service" means the provision to the public of computer storage or processing service by means of an electronic communications system as defined in section 18-6701(12), Idaho Code.

(3) In order to obtain the records or information, the prosecuting attorney or attorney general shall certify on the face of the subpoena that there is reason to believe that the records or information being sought are relevant to a legitimate law enforcement investigation concerning a violation of section 18-1505B, 18-1506, 18-1506A, 18-1507, 18-1508, 18-1508A, 18-1509, 18-1509A, 18-1515, 18-2202, or 18-66095, Idaho Code.



(4) No subpoena issued pursuant to this section shall demand records that disclose the content of electronic communications or subscriber account records disclosing internet locations which have been accessed including, but not limited to, websites, chat channels and news groups, but excluding servers used to initially access the internet. No recipient of a subpoena issued pursuant to this section shall provide any such content or records accessed, in response to the subpoena.

(5) On a motion made by the electronic communication service or remote computing service provider prior to the time for appearance or the production of documents under the subpoena issued pursuant to this section, a court of competent jurisdiction may quash or modify the administrative subpoena if the provider establishes that the records or other information requested are unusually voluminous in nature or if compliance with the subpoena would otherwise cause an undue burden on the service provider.

(6) No cause of action shall lie in any court against an electronic communication service or remote computing service provider, its officers, employees, agents or other specified persons for providing information, facilities or assistance in accordance with the terms of an administrative subpoena issued under this section.

(7) A person who is subpoenaed under this section and who fails to appear or produce materials as required by the subpoena, or who refuses to be sworn or give testimony, may be found to be in contempt of court. Proceedings to hold a person in contempt under this subsection may be brought in the county where the subpoena was issued.

(8) Nothing in this section shall limit the right of a prosecuting attorney or the attorney general to otherwise obtain records or information from a provider of electronic communication service or remote computing service pursuant to a search warrant, a court order or a grand jury or trial subpoena.

SECTION 23. That Section 20-509, Idaho Code, be, and the same is hereby amended to read as follows:

20-509. VIOLENT OFFENSES, CONTROLLED SUBSTANCES VIOLATIONS NEAR SCHOOLS AND OFFENDERS. (1) Any juvenile, age fourteen (14) years to age eighteen (18) years, who is alleged to have committed any of the following crimes or any person under age fourteen (14) years who is alleged to have committed any of the following crimes and, pursuant to section 20-508, Idaho Code, has been ordered by the court to be held for adult criminal proceedings:

(a) Murder of any degree or attempted murder;

(b) Robbery;

(c) Rape as defined in section 18-6101, Idaho Code;

(d) Forcible sexual penetration by the use of a foreign object;

(e) ~~Infamous crimes against nature, committed by force or violence;~~

~~(f) Mayhem;~~

(g) Assault or battery with the intent to commit any of the above serious felonies;

(h) A violation of the provisions of section 37-2732(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds which were, at the time of the violation, being used for an activity sponsored by or through such a school; and

(i) Arson in the first degree and aggravated arson;

shall be charged, arrested and proceeded against by complaint, indictment or information as an adult. All other felonies or misdemeanors charged in the complaint, indictment or information, which are based on the same act or transaction or on one (1) or more acts or transactions as the violent or controlled substances offense shall similarly be charged, arrested and

proceeded against as an adult. Any juvenile proceeded against pursuant to this section shall be accorded all constitutional rights, including bail and trial by jury, and procedural safeguards as if that juvenile were an adult defendant.

(2) Once a juvenile has been formally charged or indicted pursuant to this section or has been transferred for criminal prosecution as an adult pursuant to the waiver provisions of section 20-508, Idaho Code, or this section, the juvenile shall be held in a county jail or other adult prison facility unless the court, after finding good cause, orders otherwise.

(3) Except as otherwise allowed by subsection (4) of this section, once a juvenile offender has been found to have committed the offense for which the juvenile offender was charged, indicted or transferred pursuant to this section or section 20-508, Idaho Code, or has been found guilty or pled guilty to a lesser offense or amended charge growing out of or included within the original charge, whether or not such lesser offense or amended charge is included within the acts enumerated in subsection (1) of this section, the juvenile offender shall thereafter be handled in every respect as an adult. For any subsequent violation of Idaho law, the juvenile offender shall be handled in every respect as an adult.

(4) Upon the conviction of a juvenile offender pursuant to this section, the sentencing judge may, if a finding is made that adult sentencing measures would be inappropriate:

(a) Sentence the convicted person in accordance with the juvenile sentencing options set forth in this chapter; or

(b) Sentence the convicted person to the county jail or to the custody of the state board of correction but suspend the sentence pursuant to section 19-2601A, Idaho Code, and commit the defendant to the dual custody of the department of juvenile corrections and the state board of correction.

SECTION 24. That Section 20-525A, Idaho Code, be, and the same is hereby amended to read as follows:

20-525A. EXPUNGEMENT OF RECORD -- HEARING -- FINDINGS NECESSARY -- SPECIAL INDEX -- EFFECT OF ORDER. (1) Any person who has been adjudicated in a case under this act and found to be within the purview of the act for having committed a felony offense or having been committed to the department of juvenile corrections may, after the expiration of five (5) years from the date of termination of the continuing jurisdiction of the court, or, in case the juvenile offender was committed to the juvenile correctional center, five (5) years from the date of his release from the juvenile correctional center, or after reaching age eighteen (18) years, whichever occurs last, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and of the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(2) Any person who has been adjudicated in a case under this act and found to be within the purview of the act for having committed misdemeanor or status offenses only and not having been committed to the department of juvenile corrections may, after the expiration of one (1) year from the date of termination of the continuing jurisdiction of the court or after reaching age eighteen (18) years, whichever occurs later, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(3) In any case where the prosecuting attorney has elected to utilize the diversion process or the court orders an informal adjustment pursuant to section 20-511, Idaho Code, the person may, after the expiration of one (1) year from the date of termination of the continuing jurisdiction of the court or after reaching age eighteen (18) years, whichever occurs later, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(4) The court may not expunge a conviction for any of the following crimes from a juvenile offender's record:

- (a) Administering poison with intent to kill (18-4014, Idaho Code);
- (b) Aggravated battery (18-907, Idaho Code);
- (c) Armed robbery (chapter 65, title 18, Idaho Code);
- (d) Arson (chapter 8, title 18, Idaho Code);
- (e) Assault with intent to commit a serious felony (18-909, Idaho Code);
- (f) Assault with intent to murder (18-4015, Idaho Code);
- (g) Assault or battery upon certain personnel, felony (18-915, Idaho Code);
- (h) Forcible sexual penetration by use of a foreign object (18-6608~~4~~, Idaho Code);
- (i) ~~Infamous crime against nature, committed by force or violence (18-6605, Idaho Code);~~
- ~~(j) Injury to child, felony (18-1501, Idaho Code);~~
- ~~(k) Kidnapping (18-4501, Idaho Code);~~
- ~~(l) Murder of any degree (18-4001 and 18-4003, Idaho Code);~~
- ~~(m) Rape, excluding statutory rape (18-6101, Idaho Code);~~
- ~~(n) Ritualized abuse of a child (18-1506A, Idaho Code);~~
- ~~(o) Sexual exploitation of a child (18-1507, Idaho Code);~~
- ~~(p) Unlawful use of destructive device or bomb (18-3320, Idaho Code);~~
- ~~(q) Voluntary manslaughter (18-4006 1., Idaho Code);~~
- ~~(r) A violation of the provisions of section 37-2732 (a) (1) (A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds which were, at the time of the violation, being used for an activity sponsored by or through such a school; or~~
- ~~(s) A violation of the provisions of section 37-2732B, Idaho Code, related to drug trafficking or manufacturing of illegal drugs.~~

(5) If the court finds after hearing that the petitioner has not been adjudicated as a juvenile offender for any of the crimes identified in subsection (4) of this section, and has not been convicted of a felony, or of a misdemeanor wherein violence toward another person was attempted or committed since the termination of the court's jurisdiction or his release from the juvenile correctional center, and that no proceeding involving such felony or misdemeanor is pending or being instituted against him, and if the court further finds to its satisfaction that the petitioner has been held accountable, is developing life skills necessary to become a contributing member of the community and that the expungement of the petitioner's record will not compromise public safety, it shall order all records in the petitioner's case in the custody of the court and all such records, including law enforcement investigatory reports and fingerprint records, in the custody of any other agency or official sealed; and shall further order all references to said adjudication, diversion or informal adjustment removed from all indices and from all other records available to the public. However, a special index of the expungement proceedings and records shall be kept by the court ordering expungement, which index shall not be available to the public

and shall be revealed only upon order of a court of competent jurisdiction. Copies of the order shall be sent to each agency or official named in the order. Upon the entry of the order the proceedings in the petitioner's case shall be deemed never to have occurred and the petitioner may properly reply accordingly upon any inquiry in the matter. Inspection of the records may thereafter be permitted only by the court upon petition by the person who is the subject of the records, or by any other court of competent jurisdiction, and only to persons named in the petition.

SECTION 25. That Section 20-1005, Idaho Code, be, and the same is hereby amended to read as follows:

20-1005. RULES GOVERNING PAROLE -- LEGISLATIVE INTENT -- RESTRICTIONS -- REQUIRED PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION -- REQUIRED REPORT. (1) It is the intent of the legislature to focus prison space on those who commit the most serious offenses or who have the highest likelihood of offending in the future, and the commission, consistent with the provisions of this subsection, shall promulgate rules that establish clear guidelines and procedures that retain the commission's discretion in individual cases.

(2) Subject to the provisions of section 20-1004, Idaho Code, the commission shall have the power to establish rules under which any prisoner, excepting any under sentence of death, may be allowed to go upon parole but to remain while on parole in the legal custody and under the control of the board and subject to be taken back into confinement at the direction of the commission.

(3) Any prisoner who is granted parole under the interstate compact may be required to post a bond prior to release or prior to such acceptance under the interstate compact; such bond may be posted by the prisoner, the prisoner's family, or other interested party. Failure to successfully complete parole may be grounds for forfeiture of the bond. Upon successful completion of parole, the amount of the bond may be returned, less an amount for administrative costs as determined by commission rule, in compliance with chapter 52, title 67, Idaho Code. A request shall be made for return of the bond within one (1) year of discharge of the offense for which the particular offender was serving parole. Funds collected through the bonding process will be placed in a separate commission receipts fund that is hereby created in the state treasury and utilized for the extradition of parole violators.

(4) No person serving a sentence for rape, incest, committing a lewd act upon a child, ~~crime against nature~~, or with an intent or an assault with intent to commit any such crimes, or serving a sentence for sexual abuse of an animal or sexual abuse of human remains, or whose history and conduct indicate to the commission that the person is a sexually dangerous person, shall be released on parole except upon the examination and evaluation of one (1) or more psychiatrists or psychologists or mental health professionals designated for this purpose by the department to be selected by the commission, and such evaluation shall be duly considered by the commission in making its parole determination. The commission may, in its discretion, likewise require a similar examination and evaluation for persons serving sentences for crimes other than those described in this subsection. No person making such evaluation shall be held financially responsible to any person for denial of parole by the commission or for the results of the future acts of such person if granted parole.

(5) Before considering the parole of any prisoner, the commission shall ensure that a risk assessment has been conducted pursuant to section 20-224, Idaho Code, and shall afford the prisoner the opportunity to be interviewed by the commission, a commissioner, or other commission staff designated by the executive director. A designated report and risk assessment, prepared by commission staff or a designated department of correction employee, that is specifically to be used by the commission in making a parole determination

shall be exempt from public disclosure; such reports contain information from the presentence investigation report, medical or psychological information, the results of a risk assessment, victim information, designated confidential witness information, and criminal history information. A parole shall be ordered when, in the discretion of the commission, it is in the best interests of society and the commission believes the prisoner is able and willing to fulfill the obligations of a law-abiding citizen. Such determination shall not be a reward of clemency, and it shall not be considered to be a reduction of sentence or a pardon. The commission may also by its rules fix the times and conditions under which any application denied may be reconsidered. No action may be maintained against the commission or any of its members in any court in connection with any decision taken by the commission to parole a prisoner, and neither the commission nor its members shall be liable in any way for its action with respect thereto.

(6) In making any parole or commutation decision with respect to a prisoner, the commission shall consider the current risk assessment, criminal history, program participation, compliance and completion, institutional misconduct, and other individual characteristics related to the likelihood of offending in the future, as well as the compliance of the prisoner with any order of restitution that may have been entered according to section 19-5304, Idaho Code. The commission may make compliance with such an order of restitution a condition of parole.

(7) Except as provided in section 20-1004(3), Idaho Code, no provision of chapter 52, title 67, Idaho Code, shall apply to the commission.

(8) By February 1 of each year, the department and the commission shall submit a report to the governor, the senate judiciary and rules committee, and the house of representatives judiciary, rules, and administration committee that describes the most common reasons for delay or denial of release, including statistical data supporting the conclusions of the report.

SECTION 26. That Section 39-1113, Idaho Code, be, and the same is hereby amended to read as follows:

39-1113. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. (1) A license may be denied, suspended or revoked by the department if the department finds that the applicant or licensee does not comply with the provisions of this chapter.

(2) No person who pleads guilty to, has been found guilty of or received a withheld judgment for any offense involving neglect or any physical injury to or other abuse of a child, including the following offenses or a similar provision in another jurisdiction, shall be eligible for a license under the provisions of this chapter:

- (a) Felony injury of a child, section 18-1501, Idaho Code.
- (b) The sexual abuse of a child under sixteen years of age, section 18-1506, Idaho Code.
- (c) The ritualized abuse of a child under eighteen years of age, section 18-1506A, Idaho Code.
- (d) The sexual exploitation of a child, section 18-1507, Idaho Code.
- (e) Sexual abuse of a child under the age of sixteen years, section 18-1506, Idaho Code.
- (f) Lewd conduct with a child under the age of sixteen years, section 18-1508, Idaho Code.
- (g) The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.
- (h) Murder in any degree, section 18-4001 or 18-4003, Idaho Code.
- (i) Assault with intent to murder, section 18-4015, Idaho Code.
- (j) Voluntary manslaughter, section 18-4006, Idaho Code.
- (k) Rape, section 18-6101, Idaho Code.
- (l) Incest, section 18-6602~~1~~, Idaho Code.

- (m) Forcible sexual penetration by use of foreign object, section 18-660~~84~~, Idaho Code.
- (n) Abuse, neglect or exploitation of a vulnerable adult, section 18-1505, Idaho Code.
- (o) Aggravated, first degree, second degree and third degree arson, sections 18-801 through 18-805, Idaho Code.
- (p) ~~Crimes against nature, section 18-6605, Idaho Code.~~ The infamous crime against nature, a felony offense formerly codified in chapter 66, title 18, Idaho Code, and whose conviction is entered before July 1, 2022.
- (q) Kidnapping, sections 18-4501 through 18-4503, Idaho Code.
- (r) Mayhem, section 18-5001, Idaho Code.
- (s) Poisoning, section 18-4014 or 18-5501, Idaho Code.
- (t) Robbery, section 18-6501, Idaho Code.
- (u) Stalking in the first degree, section 18-7905, Idaho Code.
- (v) Video voyeurism, section 18-660~~95~~, Idaho Code.
- (w) Enticing of children, section 18-1509 or 18-1509A, Idaho Code.
- (x) Inducing individuals under eighteen years of age into prostitution, section 18-5609, Idaho Code.
- (y) Inducing person under eighteen years of age to patronize a prostitute, section 18-5611, Idaho Code.
- (z) Any felony punishable by death or life imprisonment.
- (aa) Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.
- (bb) Domestic violence, section 18-918(2), Idaho Code.
- (cc) Any offense requiring registration on a state sex offender registry or the national sex offender registry.
- (dd) A felony drug-related offense committed during the preceding five (5) years.
- (ee) Sexual abuse of an animal, section 18-6602, Idaho Code.
- (ff) Sexual abuse of human remains, section 18-6603, Idaho Code.
- (3) No person who has pleaded guilty to, been found guilty of or received a withheld judgment for any offense involving neglect or any physical injury to or other abuse of a child, including the following offenses or a similar provision in another jurisdiction, shall be eligible for a license for a period of five (5) years under the provisions of this chapter:
  - (a) Aggravated assault, section 18-905, Idaho Code.
  - (b) Aggravated battery, section 18-907(1), Idaho Code.
  - (c) Burglary, section 18-1401, Idaho Code.
  - (d) Felony theft, sections 18-2403 and 18-2407(1), Idaho Code.
  - (e) Forgery of a financial transaction card, section 18-3123, Idaho Code.
  - (f) Fraudulent use of a financial transaction card or number, section 18-3124, Idaho Code.
  - (g) Forgery or counterfeiting, chapter 36, title 18, Idaho Code.
  - (h) Misappropriation of personal identifying information, section 18-3126, Idaho Code.
  - (i) Insurance fraud, section 41-293, Idaho Code.
  - (j) Damage to or destruction of insured property, section 41-294, Idaho Code.
  - (k) Public assistance fraud, section 56-227, Idaho Code.
  - (l) Provider fraud, section 56-227A, Idaho Code.
  - (m) Attempted strangulation, section 18-923, Idaho Code.
  - (n) Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.
  - (o) Misdemeanor injury to a child, section 18-1501(2), Idaho Code.

(4) A daycare facility license may be denied, suspended or revoked by the department if the department finds that the daycare facility is not in compliance with the standards provided for in this chapter or criminal activity that threatens the health or safety of a child.

(5) A daycare facility license or privilege to operate a family daycare home shall be denied or revoked if a registered sex offender resides on the premises where daycare services are provided.

(6) The denial, suspension, or revocation of a license under this chapter may be appealed through the administrative appeals process governed by the provisions of IDAPA 16.05.03, with the opportunity for further review by the district court of the county in which the affected daycare facility is located.

SECTION 27. That Section 72-1025, Idaho Code, be, and the same is hereby amended to read as follows:

72-1025. FINES -- REIMBURSEMENTS -- DISPOSITION. (1) In addition to any other fine which may be imposed upon each person found guilty of criminal activity, the court shall impose a fine or reimbursement according to the following schedule, unless the court orders that such fine or reimbursement be waived only when the defendant is indigent and at the time of sentencing shows good cause for inability to pay and written findings to that effect are entered by the court:

(a) For each conviction or finding of guilt of each felony count, a fine or reimbursement of not less than seventy-five dollars (\$75.00) per felony count;

(b) For each conviction or finding of guilt of each misdemeanor count, a fine or reimbursement of thirty-seven dollars (\$37.00) per misdemeanor count;

(c) For each conviction or finding of guilt of an infraction under section 18-8001 or 49-301, Idaho Code, or for each first-time conviction or finding of guilt of an infraction under section 23-604 or 23-949, Idaho Code, a fine or reimbursement of thirty-seven dollars (\$37.00) per count;

(d) In addition to any fine or reimbursement ordered under paragraph (a) or (b) of this subsection, the court shall impose a fine or reimbursement of not less than three hundred dollars (\$300) per count for any conviction or finding of guilt for any sex offense, including, but not limited to, offenses pursuant to sections 18-1506, 18-1507, 18-1508, 18-1508A, 18-6101, ~~18-6605~~ and 18-6608~~4~~, Idaho Code.

(2) Notwithstanding the provisions of section 19-4705, Idaho Code, the fines or reimbursements imposed under the provisions of this section shall be paid into the crime victims compensation account.

SECTION 28. 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, 2022.

Approved March 22, 2022

CHAPTER 125  
(S.B. No. 1385)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR THE COMMUNITY, OPERATIONS, AND PROGRAM SERVICES PROGRAM FOR SAFE TEEN RECEPTION CENTERS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR THE COMMUNITY, OPERATIONS, AND PROGRAM SERVICES PROGRAM FOR YOUTH CRISIS CENTERS; PROVIDING REAPPROPRIATION AUTHORITY; PROVIDING REAPPROPRIATION AUTHORITY FOR SAFE TEEN RECEPTION CENTERS; PROVIDING REAPPROPRIATION AUTHORITY FOR YOUTH CRISIS CENTERS; 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 Juvenile Corrections the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. ADMINISTRATION:</b>					
FROM:					
General					
Fund	\$3,352,400	\$802,200		\$60,000	\$4,214,600
Miscellaneous Revenue					
Fund	103,500	191,400			294,900
State Juvenile Corrections Center Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>\$356,400</u>	<u>0</u>	<u>356,400</u>
TOTAL	\$3,455,900	\$993,600	\$356,400	\$60,000	\$4,865,900
<b>II. COMMUNITY, OPERATIONS, AND PROGRAM SERVICES:</b>					
FROM:					
General					
Fund	\$1,304,300	\$172,400		\$4,620,200	\$6,096,900
Juvenile Corrections					
Fund		110,000			110,000
Juvenile Corrections - Cigarette/Tobacco Tax					
Fund				4,375,000	4,375,000
Miscellaneous Revenue					
Fund				327,000	327,000
Federal Grant					
Fund	<u>0</u>	<u>199,600</u>		<u>521,000</u>	<u>720,600</u>
TOTAL	\$1,304,300	\$482,000		\$9,843,200	\$11,629,500



	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>III. INSTITUTIONS:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$27,331,300	\$2,320,400		\$3,088,500	\$32,740,200
<b>Miscellaneous Revenue</b>					
Fund		288,600		460,000	748,600
<b>State Juvenile Corrections Center Endowment Income</b>					
Fund		1,073,800	\$300,600		1,374,400
<b>Federal Grant</b>					
Fund	<u>197,000</u>	<u>768,400</u>	<u>0</u>	<u>1,195,400</u>	<u>2,160,800</u>
<b>TOTAL</b>	<b>\$27,528,300</b>	<b>\$4,451,200</b>	<b>\$300,600</b>	<b>\$4,743,900</b>	<b>\$37,024,000</b>

**IV. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:**

FROM:

General

Fund	\$204,700	\$134,400		\$2,680,800	\$3,019,900
<b>GRAND TOTAL</b>	<b>\$32,493,200</b>	<b>\$6,061,200</b>	<b>\$657,000</b>	<b>\$17,327,900</b>	<b>\$56,539,300</b>

**SECTION 2. FTP AUTHORIZATION.** In accordance with Section 67-3519, Idaho Code, the Department of Juvenile Corrections is authorized no more than four hundred thirteen (413.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

**SECTION 3.** In addition to the appropriation made in Section 1, Chapter 76, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Juvenile Corrections, for the Community, Operations, and Program Services Program, \$6,500,000 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 safe teen reception centers.

**SECTION 4.** In addition to the appropriation made in Section 1, Chapter 76, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Juvenile Corrections, for the Community, Operations, and Program Services Program, \$4,420,000 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 youth crisis centers.

SECTION 5. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Juvenile Corrections any unexpended and unencumbered balances appropriated to the Department of Juvenile Corrections from the General Fund for the replacement of the Idaho Juvenile Offender System for fiscal year 2022, in an amount not to exceed \$300,000 from the General Fund to be used for nonrecurring expenditures related to the Idaho Juvenile Offender System for the period July 1, 2022, through June 30, 2023. 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. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Juvenile Corrections any unexpended and unencumbered balances appropriated to the Department of Juvenile Corrections from the General Fund for safe teen reception centers for fiscal year 2022, in an amount not to exceed \$6,500,000 from the General Fund to be used for nonrecurring expenditures related to safe teen reception centers for the period July 1, 2022, through June 30, 2023. 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. There is hereby reappropriated to the Department of Juvenile Corrections any unexpended and unencumbered balances appropriated to the Department of Juvenile Corrections from the General Fund for youth crisis centers for fiscal year 2022, in an amount not to exceed \$4,420,000 from the General Fund to be used for nonrecurring expenditures related to youth crisis centers for the period July 1, 2022, through June 30, 2023. 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. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 22, 2022

CHAPTER 126  
(S.B. No. 1388)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE APPELLATE PUBLIC DEFENDER; APPROPRIATING MONEYS TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS FOR THE PAYMENT OF OUTSIDE COUNSEL COSTS; PROVIDING REQUIREMENTS FOR THE PAYMENT OF CAPITAL REPRESENTATION COSTS; PRESCRIBING DEFENDING ATTORNEY SALARY INCREASES; REQUIRING A REPORT FOR DEFENDING ATTORNEY SALARY INCREASES; APPROPRIATING ADDITIONAL MONEYS TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Appellate Public Defender the following amounts to be expended according to the designated programs and expense classes from the listed fund for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER:				
FROM:				
General				
Fund	\$2,870,800	\$342,700	\$73,100	\$3,286,600
II. CAPITAL AND CONFLICT REPRESENTATION:				
FROM:				
General				
Fund		\$260,800		\$260,800
GRAND TOTAL	\$2,870,800	\$603,500	\$73,100	\$3,547,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Appellate Public Defender is authorized no more than twenty-five (25.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. OUTSIDE COUNSEL COSTS. Notwithstanding any other provision of law to the contrary, of the amount appropriated in Section 1 of this act for the Capital and Conflict Representation Program, \$165,900 from the General Fund, or so much thereof as is necessary, shall be used solely to pay outside counsel for noncapital appeals in which a concurrent conflict of interest is identified and only to the extent such costs are exclusive of, and can be identified and accounted for separately and distinctly from, capital representation costs. Any remaining unexpended and unencumbered amounts not so used shall revert to the General Fund.

SECTION 4. CAPITAL REPRESENTATION COSTS. Notwithstanding any other provision of law to the contrary, of the amount appropriated in Section 1 of this act for the Capital and Conflict Representation Program, \$94,900 from the General Fund, or so much thereof as is necessary, shall be used solely for costs directly related to the provision of representation in capital cases and only to the extent such costs are exclusive of, and can be identified and accounted for separately and distinctly from, outside counsel costs of noncapital appeals. Any remaining unexpended and unencumbered amounts not so used shall revert to the General Fund.

SECTION 5. DEFENDING ATTORNEYS SALARY INCREASES. Of the additional amount appropriated for compensation in Section 1 of this act, a minimum of \$164,900 shall be used for salary and benefits increases for State Appellate Public Defenders.

SECTION 6. DEFENDING ATTORNEYS REPORTING. The State Appellate Public Defender shall report to the Joint Finance-Appropriations Committee by December 31, 2022, regarding its use of funds as prescribed in Section 5 of this act.

SECTION 7. In addition to the appropriation made in Section 1, Chapter 77, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the State Appellate Public Defender for the Capital and Conflict Representation Program \$98,000 from the General Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of extraordinary representation costs.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 22, 2022

CHAPTER 127  
(S.B. No. 1384)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF SUBSTANCE ABUSE TREATMENT AND PREVENTION, MENTAL HEALTH SERVICES, AND PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; LIMITING THE TRANSFER OF LEGISLATIVE APPROPRIATIONS; CLARIFYING RESPONSIBILITY FOR EDUCATION OF CERTAIN CHILDREN IN STATE CARE; DIRECTING AN INTERAGENCY PAYMENT FOR A JUVENILE DETENTION CLINICIANS CONTRACT; PROVIDING REQUIREMENTS REGARDING FUNDING FOR BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS; PROVIDING EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF MENTAL HEALTH SERVICES FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2022; 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 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, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. SUBSTANCE ABUSE TREATMENT &amp; PREVENTION:</b>					
<b>FROM:</b>					
Prevention of Minors' Access to Tobacco					
Fund		\$43,800			\$43,800
Cooperative Welfare (Dedicated)					
Fund		438,300			438,300
Liquor Control					
Fund				\$650,000	650,000
Idaho Millennium Income					
Fund		160,000			160,000
Cooperative Welfare (Federal)					
Fund	<u>\$1,245,500</u>	<u>5,959,200</u>		<u>10,628,400</u>	<u>17,833,100</u>
TOTAL	\$1,245,500	\$6,601,300		\$11,278,400	\$19,125,200
<b>II. MENTAL HEALTH SERVICES:</b>					
<b>A. CHILDREN'S MENTAL HEALTH:</b>					
<b>FROM:</b>					
Cooperative Welfare (General)					
Fund	\$5,696,200	\$1,241,400		\$1,787,800	\$8,725,400
Cooperative Welfare (Dedicated)					
Fund				164,500	164,500
Cooperative Welfare (Federal)					
Fund	<u>3,234,200</u>	<u>1,933,100</u>		<u>1,092,600</u>	<u>6,259,900</u>
TOTAL	\$8,930,400	\$3,174,500		\$3,044,900	\$15,149,800
<b>B. ADULT MENTAL HEALTH:</b>					
<b>FROM:</b>					
Cooperative Welfare (General)					
Fund	\$16,417,100	\$2,440,700		\$10,043,800	\$28,901,600
Cooperative Welfare (Dedicated)					
Fund	67,900			350,000	417,900
Cooperative Welfare (Federal)					
Fund	2,520,500	4,152,200		778,700	7,451,400
ARPA State Fiscal Recovery					
Fund	<u>118,900</u>	<u>10,281,100</u>		<u>0</u>	<u>10,400,000</u>
TOTAL	\$19,124,400	\$16,874,000		\$11,172,500	\$47,170,900
DIVISION TOTAL	\$28,054,800	\$20,048,500		\$14,217,400	\$62,320,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>III. PSYCHIATRIC HOSPITALIZATION:</b>					
<b>A. COMMUNITY HOSPITALIZATION:</b>					
FROM:					
Cooperative Welfare (General)					
Fund				\$1,069,000	\$1,069,000
<b>B. STATE HOSPITAL NORTH:</b>					
FROM:					
Cooperative Welfare (General)					
Fund	\$8,754,200	\$760,000	\$85,000	\$45,600	\$9,644,800
Cooperative Welfare (Dedicated)					
Fund	178,800				178,800
State Hospital North Endowment Income					
Fund	600,600	1,174,100		104,400	1,879,100
Cooperative Welfare (Federal)					
Fund	<u>1,700,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,700,000</u>
TOTAL	\$11,233,600	\$1,934,100	\$85,000	\$150,000	\$13,402,700
<b>C. STATE HOSPITAL SOUTH:</b>					
FROM:					
Cooperative Welfare (General)					
Fund	\$4,122,200				\$4,122,200
Cooperative Welfare (Dedicated)					
Fund	10,395,000	\$3,049,400		\$900	13,445,300
Mental Hospital Endowment Income					
Fund	5,091,900	2,285,500	\$39,300	284,700	7,701,400
Cooperative Welfare (Federal)					
Fund	<u>6,178,900</u>	<u>931,900</u>	<u>0</u>	<u>25,600</u>	<u>7,136,400</u>
TOTAL	\$25,788,000	\$6,266,800	\$39,300	\$311,200	\$32,405,300
<b>D. STATE HOSPITAL WEST:</b>					
FROM:					
Cooperative Welfare (General)					
Fund	\$1,794,600	\$476,400		\$8,300	\$2,279,300
Cooperative Welfare (Dedicated)					
Fund	212,900				212,900
Cooperative Welfare (Federal)					
Fund	<u>2,661,400</u>	<u>0</u>		<u>0</u>	<u>2,661,400</u>
TOTAL	\$4,668,900	\$476,400		\$8,300	\$5,153,600
DIVISION TOTAL	\$41,690,500	\$8,677,300	\$124,300	\$1,538,500	\$52,030,600
GRAND TOTAL	\$70,990,800	\$35,327,100	\$124,300	\$27,034,300	\$133,476,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the following number of full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Adult Mental Health .....	209.56
Children's Mental Health .....	95.67
State Hospital North .....	131.60
State Hospital South .....	286.25
State Hospital West .....	49.33
Substance Abuse Treatment and Prevention .....	16.00

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 2023.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. LIMITING TRANSFER OF LEGISLATIVE APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, Cooperative Welfare (General) Fund moneys appropriated to the Divisions of Mental Health Services and Psychiatric Hospitalization may be transferred between divisions but shall not be transferred to any other division or program within the Department of Health and Welfare without legislative approval.

SECTION 7. EDUCATIONAL NEEDS. The Department of Health and Welfare shall be responsible for the educational needs of school-age children placed in its custody by the courts for either child protective issues or mental health issues. If the department places a child in a licensed residential treatment facility that includes a nonpublic accredited school, and it is determined by the department that it is in the best interests of the child to be educated at the residential treatment facility, then it is the responsibility of the department to pay for such education per student, per educational day. Other Idaho state agencies shall not be precluded from exercising their responsibility to ensure a free and appropriate education for these students within the requirements of federal disability law. The fiscal impact of this section is included within existing department base appropriations.

SECTION 8. INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT. No later than July 16, 2022, the Children's Mental Health Program shall make an interagency payment of \$327,000 from the Cooperative Welfare (General) Fund to the Department of Juvenile Corrections to be used for the purchase of contract clinician services with juvenile detention facilities in Idaho for the period July 1, 2022, through June 30, 2023.

SECTION 9. BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS. The seven behavioral health community crisis centers shall submit records that indicate the levels of funding support by fund source. The format of the report and the information included therein shall be determined by the Legislative Services Office Budget and Policy Analysis Division. The contents of these reports shall aid in providing a clearer understanding of the financial situations of the behavioral health community crisis centers. These reports shall be submitted to the Legislative Services Office Budget and Policy Analysis Division no later than December 31, 2022.

SECTION 10. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. The Community Hospitalization Program is hereby exempted from the provisions of Section 67-3511(2), Idaho Code, allowing unlimited transfers into the Community Hospitalization Program from other programs within the Department of Health and Welfare for all moneys appropriated to it for the period July 1, 2022, through June 30, 2023.

SECTION 11. In addition to the appropriation made in Section 1, Chapter 188, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare Division of Mental Health Services \$15,000,000 from the Cooperative Welfare (General) Fund to be expended for the period July 1, 2021, through June 30, 2022.

SECTION 12. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Children's Mental Health Program any unexpended and unencumbered balances appropriated to the Children's Mental Health Program from the Cooperative Welfare (General) Fund for the purpose of psychiatric residential treatment facilities for fiscal year 2022, in an amount not to exceed \$15,000,000, to be used for nonrecurring expenditures related to psychiatric residential treatment facilities for the period July 1, 2022, through June 30, 2023. 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 13. In addition to the appropriation made in Section 1, Chapter 188, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare for the Division of Psychiatric Hospitalization \$4,573,200 from the Cooperative Welfare (General) Fund for capital outlay, of which \$1,845,000 shall be for State Hospital North and \$2,728,200 shall be for State Hospital South, for the period July 1, 2021, through June 30, 2022.

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 its passage and approval.

Approved March 22, 2022



CHAPTER 128  
(S.B. No. 1389)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; PRESCRIBING DEPUTY ATTORNEYS GENERAL SALARY INCREASES; REQUIRING A REPORT FOR DEPUTY ATTORNEYS GENERAL SALARY INCREASES; 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 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, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. STATE LEGAL SERVICES:</b>					
FROM:					
General					
Fund	\$23,803,100	\$1,086,900	\$4,600		\$24,894,600
Miscellaneous Revenue					
Fund	313,500	28,300			341,800
Consumer Protection					
Fund	288,100	162,200			450,300
Idaho Millennium Income					
Fund	202,900	2,400			205,300
ARPA State Fiscal Recovery					
Fund		166,900			166,900
Federal Grant					
Fund	<u>869,300</u>	<u>216,300</u>	<u>0</u>		<u>1,085,600</u>
TOTAL	\$25,476,900	\$1,663,000	\$4,600		\$27,144,500
<b>II. INTERNET CRIMES AGAINST CHILDREN:</b>					
FROM:					
General					
Fund	\$1,102,800	\$267,000		\$1,017,300	\$2,387,100
Consumer Protection					
Fund		9,800			9,800
ARPA State Fiscal Recovery					
Fund		42,300			42,300
Federal Grant					
Fund	<u>133,100</u>	<u>218,800</u>		<u>6,000</u>	<u>357,900</u>
TOTAL	\$1,235,900	\$537,900		\$1,023,300	\$2,797,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. SPECIAL LITIGATION:					
FROM:					
General					
Fund		\$740,700			\$740,700
GRAND TOTAL	\$26,712,800	\$2,941,600	\$4,600	\$1,023,300	\$30,682,300

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 six (226.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. DEPUTY ATTORNEYS GENERAL SALARY INCREASES. Of the amount appropriated for compensation in Section 1 of this act, a minimum of \$1,368,400 shall be used for salary and benefits increases for Deputy Attorneys General.

SECTION 5. DEPUTY ATTORNEYS GENERAL SALARY REPORTING. The Office of the Attorney General shall report to the Joint Finance-Appropriations Committee by December 31, 2022, regarding its use of funds as prescribed in Section 4 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 July 1, 2022.

Approved March 22, 2022

CHAPTER 129  
(S.B. No. 1305)

AN ACT

RELATING TO PSYCHOLOGISTS; AMENDING CHAPTER 23, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2321, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT AND TO PROVIDE FOR PARTICIPATION IN THE COMPACT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 23, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-2321, Idaho Code, and to read as follows:

54-2321. PSYCHOLOGY INTERJURISDICTIONAL COMPACT. The terms and conditions of the psychology interjurisdictional compact are hereby enacted as follows:

## PSYCHOLOGY INTERJURISDICTIONAL COMPACT

### ARTICLE I

#### PURPOSE

Whereas, states license psychologists in order to protect the public through verification of education, training, and experience and to ensure accountability for professional practice;

Whereas, this compact is intended to regulate the day-to-day practice of telepsychology (i.e., the provision of psychological services using telecommunications technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty (30) days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of this compact, to psychologists licensed in another state;

Whereas, this compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

Whereas, this compact does not apply when a psychologist is licensed in both the home state and receiving states; and

Whereas, although this compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

Consistent with these principles, this compact is designed to achieve the following purposes and objectives:

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state in which the psychologist is not licensed to practice psychology;
2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;
3. Encourage the cooperation of compact states in the areas of psychology licensure and regulation;
4. Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions, and disciplinary history;
5. Promote compliance with the laws governing psychological practice in each compact state; and
6. Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

ARTICLE II  
DEFINITIONS

A. "Adverse action" means any action taken by a state psychology regulatory authority that finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record.

B. "Association of state and provincial psychology boards" or "ASPPB" means the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

C. "Authority to practice interjurisdictional telepsychology" means a licensed psychologist's authority to practice telepsychology, within the limits authorized under this compact, in another compact state.

D. "Bylaws" means those bylaws established by the psychology interjurisdictional compact commission pursuant to article X of this compact for its governance or for directing and controlling its actions and conduct.

E. "Client/patient" means the recipient of psychological services, whether psychological services are delivered in the context of health care, corporate, supervision, or consulting services.

F. "Commissioner" means the voting representative appointed by each state psychology regulatory authority pursuant to article X of this compact.

G. "Compact state" means a state, the District of Columbia, or a United States territory that has enacted this compact legislation and that has not withdrawn pursuant to article XIII, subsection C of this compact or been terminated pursuant to article XII, subsection B of this compact.

H. "Confidentiality" means the principle that data or information is not made available or disclosed to unauthorized persons or processes.

I. "Coordinated licensure information system" or "coordinated database" means an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which process is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities.

J. "Day" means any part of a day in which psychological work is performed.

K. "Distant state" means the compact state where a psychologist is physically present (not through the use of telecommunications technologies) to provide temporary in-person, face-to-face psychological services.

L. "E.Passport" means a certificate issued by the ASPPB that promotes standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

M. "Executive board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

N. "Home state" means a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one (1) compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one (1) compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed.

O. "Identity history summary" means a summary of information retained by the federal bureau of investigation (FBI), or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

P. "In-person, face-to-face" means interactions in which the psychologist and the client/patient are in the same physical space and does not include interactions that may occur through the use of telecommunications technologies.

Q. "Interjurisdictional practice certificate" or "IPC" means a certificate issued by the ASPPB that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily and verification of one's qualifications for such practice.

R. "License" means authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without such authorization.

S. "Non-compact state" means any state that is not at a given time a compact state.

T. "Psychologist" means an individual licensed for the independent practice of psychology.

U. "Psychology interjurisdictional compact commission" or "commission" means the national administration of which all compact states are members.

V. "Receiving state" means a compact state where the client/patient is physically located when the telepsychological services are delivered.

W. "Rule" means a written statement by the psychology interjurisdictional compact commission promulgated pursuant to article XI of this compact that is of general applicability; that implements, interprets, or prescribes a policy or provision of the compact; or that is an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal, or suspension of an existing rule.

X. "Significant investigatory information" means:

1. Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code and would be considered more substantial than a minor infraction; or

2. Investigative information that indicates the psychologist represents an immediate threat to public health and safety, regardless of whether the psychologist has been notified or had an opportunity to respond.

Y. "State" means a state, commonwealth, territory, or possession of the United States, and includes the District of Columbia.

Z. "State psychology regulatory authority" means the board, office, or other agency with the legislative mandate to license and regulate the practice of psychology.

AA. "Telepsychology" means the provision of psychological services using telecommunications technologies.

BB. "Temporary authorization to practice" means a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state.

CC. "Temporary in-person, face-to-face practice" means a psychologist is physically present (not through the use of telecommunications technologies) in the distant state to provide psychological services for thirty (30) days within a calendar year and is based on notification to the distant state.

ARTICLE III  
HOME STATE LICENSURE

A. The home state shall be a compact state where a psychologist is licensed to practice psychology.

B. A psychologist may hold more than one (1) compact state license at a time. If the psychologist is licensed in more than one (1) compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

C. Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

D. Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.

E. A home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:

1. Currently requires the psychologist to hold an active E.Passport;
2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
3. Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation, or other designee with similar authority, no later than ten (10) years after activation of the compact; and
5. Complies with the bylaws and rules of the commission.

F. A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:

1. Currently requires the psychologist to hold an active IPC;
2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
3. Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation, or other designee with similar authority, no later than ten (10) years after activation of the compact; and
5. Complies with the bylaws and rules of the commission.

ARTICLE IV  
COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

A. Compact states shall recognize the right of a psychologist licensed in a compact state, in conformance with article III of this compact, to practice telepsychology in other compact states (receiving states) in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in this compact.

B. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
  - a. Regionally accredited by an accrediting body recognized by the United States department of education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees; or
  - b. A foreign college or university deemed to be equivalent to subparagraph a. of this paragraph by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service; and
2. Hold a graduate degree in psychology that meets the following criteria:
  - a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists;
  - b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;
  - c. There must be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines;
  - d. The program must consist of an integrated, organized sequence of study;
  - e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
  - f. The designated director of the program must be a psychologist and a member of the core faculty;
  - g. The program must have an identifiable body of students who are matriculated in that program for a degree;
  - h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;
  - i. The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degrees and a minimum of one (1) academic year of full-time graduate study for master's degrees; and
  - j. The program includes an acceptable residency as defined by the rules of the commission;
3. Possess a current, full and unrestricted license to practice psychology in a home state that is a compact state;
4. Have no history of adverse action that violates the rules of the commission;
5. Have no criminal record history reported on an identity history summary that violates the rules of the commission;
6. Possess a current, active E.Passport;
7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, and competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and
8. Meet other criteria as defined by the rules of the commission.

C. The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

D. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

E. If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state is restricted, suspended, or otherwise limited, the E.Passport shall be revoked, and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

#### ARTICLE V

#### COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

A. Compact states shall recognize the right of a psychologist licensed in a compact state in conformance with article III of this compact, to practice temporarily in other compact states (distant states) in which the psychologist is not licensed as provided in this compact.

B. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
  - a. Regionally accredited by an accrediting body recognized by the United States department of education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees; or
  - b. A foreign college or university deemed to be equivalent to subparagraph a. of this paragraph by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service; and
2. Hold a graduate degree in psychology that meets the following criteria:
  - a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists;
  - b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;
  - c. There must be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines;
  - d. The program must consist of an integrated, organized sequence of study;
  - e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
  - f. The designated director of the program must be a psychologist and a member of the core faculty;



- g. The program must have an identifiable body of students who are matriculated in that program for a degree;
  - h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;
  - i. The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degrees and a minimum of one (1) academic year of full-time graduate study for master's degrees; and
  - j. The program includes an acceptable residency as defined by the rules of the commission;
- 3. Possess a current, full and unrestricted license to practice psychology in a home state that is a compact state;
  - 4. No history of adverse action that violates the rules of the commission;
  - 5. No criminal record history that violates the rules of the commission;
  - 6. Possess a current, active IPC;
  - 7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and
  - 8. Meet other criteria as defined by the rules of the commission.

C. A psychologist practicing into a distant state under the temporary authorization to practice shall do so within the scope of practice authorized by the distant state.

D. A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.

E. If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state is restricted, suspended, or otherwise limited, the IPC shall be revoked, and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

#### ARTICLE VI

##### CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

A. A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:

- 1. The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state; or
- 2. Other conditions regarding telepsychology as determined by rules promulgated by the commission.

#### ARTICLE VII

##### ADVERSE ACTIONS

A. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

B. A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

C. If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.

1. All home state disciplinary orders that impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

3. Other actions may be imposed as determined by the rules promulgated by the commission.

D. A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee that occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

E. A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice that occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, the distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

F. Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the compact state's law. Compact states must require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

G. No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection C of this article.

ARTICLE VIII  
ADDITIONAL AUTHORITIES INVESTED IN A  
COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

A. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

1. Issue subpoenas, for both hearings and investigations, that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its

own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located; and

2. Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice.

B. During the course of any investigation, a psychologist may not change home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal, and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

#### ARTICLE IX COORDINATED LICENSURE INFORMATION SYSTEM

A. The commission shall provide for the development and maintenance of a coordinated licensure information system (coordinated database) and reporting system containing licensure and disciplinary action information on all psychologists to whom this compact is applicable in all compact states as defined by the rules of the commission.

B. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against a psychologist's license;
5. An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;
6. Nonconfidential information related to alternative program participation information;
7. Any denial of application for licensure and the reasons for such denial; and
8. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

C. The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

D. Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

E. Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

## ARTICLE X

## ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

A. The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

1. The commission is a body politic and an instrumentality of the compact states.

2. Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

B. Membership, voting, and meetings.

1. The commission shall consist of one (1) voting representative appointed by each compact state to serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

a. Executive director, executive secretary, or similar executive;

b. Current member of the state psychology regulatory authority of a compact state; or

c. Designee empowered with the appropriate delegate authority to act on behalf of the compact state.

2. Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

3. Each commissioner shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

4. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in article XI of this compact.

6. The commission may convene in a closed nonpublic meeting if the commission must discuss:

a. Noncompliance of a compact state with its obligations under the compact;

b. The employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation against the commission;

d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

e. Accusation against any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigatory records compiled for law enforcement purposes;
- i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact; or
- j. Matters specifically exempted from disclosure by federal and state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this article, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken by any person participating in the meeting, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

C. The commission shall, by a majority vote of the commissioners, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

1. Establishing the fiscal year of the commission;
2. Providing reasonable standards and procedures for the establishment and meetings of other committees and governing any general or specific delegation of any authority or function of the commission;
3. Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting, revealing the vote of each commissioner, with no proxy votes allowed;
4. Establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the commission;
5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;
6. Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; and
7. Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations.

D. The commission shall publish its bylaws in a convenient form and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states.

E. The commission shall maintain its financial records in accordance with the bylaws.

F. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

G. The commission shall have the following powers:

1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all compact states;
2. To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;
3. To purchase and maintain insurance and bonds;
4. To borrow, accept, or contract for services of personnel, including but not limited to employees of a compact state;
5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services and to receive, utilize, and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;
7. To lease, purchase, and accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;
8. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
9. To establish a budget and make expenditures;
10. To borrow money;
11. To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;
12. To provide and receive information from, and to cooperate with, law enforcement agencies;
13. To adopt and use an official seal; and
14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice, and telepsychology practice.

H. The executive board.

1. The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.
2. The executive board shall be comprised of six (6) members:
  - a. Five (5) voting members who are elected from the current membership of the commission by the commission;
  - b. One (1) ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.
3. The ex officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.
4. The commission may remove any member of the executive board as provided in bylaws.
5. The executive board shall meet at least annually.

6. The executive board shall have the following duties and responsibilities:

- a. Recommend to the entire commission changes to the rules or by-laws, changes to this compact, fees paid by compact states such as annual dues and any other applicable fees;
- b. Ensure compact administration services are appropriately provided, contractual or otherwise;
- c. Prepare and recommend the budget;
- d. Maintain financial records on behalf of the commission;
- e. Monitor compact compliance of member states and provide compliance reports to the commission;
- f. Establish additional committees as necessary; and
- g. Other duties as provided in rules or bylaws.

I. Financing of the commission.

1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, the total amount of which must be sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based on a formula to be determined by the commission, which shall promulgate a rule binding upon all compact states.

4. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same or pledge the credit of any of the compact states, except by and with the authority of the compact state.

5. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

J. Qualified immunity, defense, and indemnification.

1. The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from re-

taining private counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

#### ARTICLE XI RULEMAKING

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted on, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission; and
2. On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted on;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons who submit comments independently of each other;
2. A governmental subdivision or agency; or
3. A duly appointed person in an association that has at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.



1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing no less than five (5) business days before the scheduled date of the hearing.
2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
3. No transcript of the hearing is required unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This paragraph shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.
4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.
  - I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.
  - J. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
  - K. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.
  - L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible and in no event later than ninety (90) days after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be adopted immediately in order to:
    1. Meet an imminent threat to public health, safety, or welfare;
    2. Prevent a loss of commission or compact state funds;
    3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
    4. Protect public health and safety.
  - M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revisions shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

ARTICLE XII  
OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight.

1. The executive, legislative, and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact that may affect the powers, responsibilities, or actions of the commission.

3. The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

B. Default, technical assistance, and termination.

1. If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

a. Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default, and any other action to be taken by the commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges, and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.

4. A compact state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The commission shall not bear any costs incurred by the state that are found to be in default or that have been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

6. The defaulting state may appeal the action of the commission by petitioning the United States district court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute resolution.

1. Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact that arise among compact states and between compact and non-compact states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

D. Enforcement.

1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States district court for the state of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

#### ARTICLE XIII

##### DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

A. The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions that become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any compact state may withdraw from this compact by enacting legislation repealing the same.

1. A compact state's withdrawal shall not take effect until six (6) months after enactment of the repealing legislation.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a non-compact state that does not conflict with the provisions of this compact.

E. This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

#### ARTICLE XIV

##### CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining compact states.

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, 2022.

CHAPTER 130  
(S.B. No. 1363)

AN ACT

RELATING TO THE APPROPRIATION TO THE WOLF DEPREDATION CONTROL BOARD FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE WOLF DEPREDATION CONTROL BOARD FOR FISCAL YEAR 2023; PROVIDING REQUIREMENTS FOR THE USE OF THE OTHER MONEY SUBACCOUNT; 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 Wolf Depredation Control Board \$392,000 to be expended for operating expenditures from the General Fund for the period July 1, 2022, through June 30, 2023.

SECTION 2. USE OF FUNDS. The Wolf Depredation Control Board shall use available funding in the Other Money Subaccount created pursuant to Section 22-5305, Idaho Code, to reimburse contractors for costs related to wolf collaring, monitoring, and control actions to the maximum extent possible.

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, 2022.

Approved March 22, 2022

CHAPTER 131  
(S.B. No. 1387)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENTS PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENTS PROGRAM FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENTS PROGRAM FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Bond Payments Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
Permanent Building			
Fund	\$7,819,200	\$6,790,800	\$14,610,000
Administration and Accounting Services			
Fund	<u>293,000</u>	<u>380,000</u>	<u>673,000</u>
TOTAL	\$8,112,200	\$7,170,800	\$15,283,000

SECTION 2. In addition to the appropriation made in Section 1, Chapter 125, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Department of Administration for the Bond Payments Program \$175,754,000 from the General Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of paying off bonds.

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

Approved March 22, 2022

CHAPTER 132  
(S.B. No. 1386)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF FISH AND GAME; APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2022; TRANSFERRING MONEYS FROM THE FISH AND GAME FUND TO THE EXPENDABLE BIG GAME DEPREDAATION FUND FOR FISCAL YEAR 2022; PROVIDING WOLF POPULATION REPORTING REQUIREMENTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Fish and Game the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. ADMINISTRATION:</b>					
<b>FROM:</b>					
<b>Fish and Game</b>					
Fund	\$5,141,800	\$4,197,800	\$3,389,000		\$12,728,600
<b>Fish and Game (Other)</b>					
Fund	885,200	122,000			1,007,200
<b>Fish and Game Set-Aside</b>					
Fund		28,400			28,400
<b>Fish and Game Set-Aside (Other)</b>					
Fund		21,200			21,200
<b>Expendable Big Game Depredation</b>					
Fund		2,900			2,900
<b>Fish and Game Expendable Trust</b>					
Fund		8,200			8,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>Fish and Game Nonexpendable Trust</b>					
Fund		3,600			3,600
<b>Fish and Game (Federal)</b>					
Fund	<u>3,932,400</u>	<u>4,778,700</u>	<u>0</u>		<u>8,711,100</u>
TOTAL	\$9,959,400	\$9,162,800	\$3,389,000		\$22,511,200
<b>II. ENFORCEMENT:</b>					
<b>FROM:</b>					
<b>Fish and Game</b>					
Fund	\$11,022,200	\$2,316,300	\$150,100		\$13,488,600
<b>Fish and Game (Other)</b>					
Fund	207,100	77,000			284,100
<b>Fish and Game Set-Aside (Other)</b>					
Fund		20,600			20,600
<b>Fish and Game Expendable Trust</b>					
Fund		26,400			26,400
<b>Fish and Game (Federal)</b>					
Fund	<u>9,600</u>	<u>6,700</u>	<u>0</u>		<u>16,300</u>
TOTAL	\$11,238,900	\$2,447,000	\$150,100		\$13,836,000
<b>III. FISHERIES:</b>					
<b>FROM:</b>					
<b>Fish and Game</b>					
Fund	\$4,320,500	\$7,210,100	\$582,300		\$12,112,900
<b>Fish and Game (Other)</b>					
Fund	3,059,500	7,444,400			10,503,900
<b>Fish and Game Set-Aside</b>					
Fund	375,000	580,700			955,700
<b>Fish and Game Set-Aside (Other)</b>					
Fund	40,800	3,500			44,300
<b>Fish and Game Expendable Trust</b>					
Fund	48,000	334,200			382,200
<b>Fish and Game Nonexpendable Trust</b>					
Fund		33,200			33,200
<b>Fish and Game (Federal)</b>					
Fund	<u>13,930,500</u>	<u>14,035,100</u>	<u>0</u>		<u>27,965,600</u>
TOTAL	\$21,774,300	\$29,641,200	\$582,300		\$51,997,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>IV. WILDLIFE:</b>					
<b>FROM:</b>					
<b>Fish and Game</b>					
Fund	\$6,470,200	\$5,255,000	\$102,000	\$174,800	\$12,002,000
<b>Fish and Game (Other)</b>					
Fund	383,100	463,200			846,300
<b>Fish and Game Set-Aside</b>					
Fund	149,300	3,288,200			3,437,500
<b>Fish and Game Set-Aside (Other)</b>					
Fund	786,700	300,300			1,087,000
<b>Expendable Big Game Depredation</b>					
Fund				1,800,000	1,800,000
<b>Fish and Game Expendable Trust</b>					
Fund	286,700	723,600			1,010,300
<b>Fish and Game Nonexpendable Trust</b>					
Fund	11,500	2,300			13,800
<b>Fish and Game (Federal)</b>					
Fund	<u>7,680,000</u>	<u>11,312,200</u>	<u>0</u>	<u>0</u>	<u>18,992,200</u>
TOTAL	\$15,767,500	\$21,344,800	\$102,000	\$1,974,800	\$39,189,100
<b>V. COMMUNICATIONS:</b>					
<b>FROM:</b>					
<b>Fish and Game</b>					
Fund	\$2,017,200	\$760,400	\$67,700		\$2,845,300
<b>Fish and Game (Other)</b>					
Fund	19,700	154,000			173,700
<b>Fish and Game Expendable Trust</b>					
Fund	30,100	80,300			110,400
<b>Fish and Game (Federal)</b>					
Fund	<u>1,538,300</u>	<u>892,900</u>	<u>0</u>		<u>2,431,200</u>
TOTAL	\$3,605,300	\$1,887,600	\$67,700		\$5,560,600
GRAND TOTAL	\$62,345,400	\$64,483,400	\$4,291,100	\$1,974,800	\$133,094,700

**SECTION 2. FTP AUTHORIZATION.** In accordance with Section 67-3519, Idaho Code, the Department of Fish and Game is authorized no more than five hundred fifty-three (553.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 141, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the Department of Fish and Game in the Wildlife Mitigation and Habitat Conservation Program \$900,000 from the Expendable Big Game Depredation Fund to be expended for trustee and benefit payments, for the period July 1, 2021, through June 30, 2022, for big game depredation claim payments.

SECTION 4. There is hereby appropriated and the Office of the State Controller shall transfer \$1,700,000 from the Fish and Game Fund to the Expendable Big Game Depredation Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

SECTION 5. WOLF POPULATION REPORTING REQUIREMENTS. The Department of Fish and Game shall file an annual report on the number, distribution, and trends of the wolf population within the state of Idaho no later than March 1, 2023. The report shall be delivered to the Governor, germane committees of both the House and Senate, and the Legislative Librarian.

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 March 22, 2022

CHAPTER 133  
(S.B. No. 1350)

AN ACT

RELATING TO HOSPITAL ASSESSMENTS; AMENDING SECTION 56-1403, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE HOSPITAL ASSESSMENT FUND; AMENDING SECTION 56-1404, IDAHO CODE, TO PROVIDE THAT IDAHO MEDICAID SHALL SEEK APPROVAL BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES OF AN UPDATED UPPER PAYMENT LIMIT CALCULATION METHODOLOGY, TO PROVIDE FOR AN INCREASE IN A CERTAIN ASSESSMENT RATE, TO PROVIDE FOR AN ADDITIONAL ASSESSMENT, AND TO REVISE PROVISIONS REGARDING HOSPITAL ASSESSMENTS; AMENDING SECTION 56-1408, IDAHO CODE, TO REVISE PROVISIONS REGARDING ASSESSMENT EXEMPTIONS; AMENDING SECTION 56-1410, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPLICABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 56-1403, Idaho Code, be, and the same is hereby amended to read as follows:

56-1403. HOSPITAL ASSESSMENT FUND ESTABLISHED. (1) There is hereby created in the office of the state treasurer a dedicated fund to be known as the hospital assessment fund, hereinafter "fund," to be administered by the department of health and welfare, hereinafter "department." The state treasurer shall invest idle moneys in the fund and any interest received on those investments shall be returned to the fund.

(2) Moneys in the fund shall consist of:

- (a) All moneys collected or received by the department from private hospital assessments required by this chapter;
- (b) All federal matching funds received by the department as a result of expenditures made by the department that are attributable to moneys deposited in the fund;



(c) Any interest or penalties levied in conjunction with the administration of this chapter; and

(d) Any appropriations, federal funds, donations, gifts or moneys from any other sources.

(3) The fund is created for the purpose of receiving moneys in accordance with this section and section 56-1404, Idaho Code. ~~The fund shall not be used to replace any moneys appropriated to the Idaho medical assistance program by the legislature.~~ Moneys in the fund shall be distributed by the department subject to appropriation for the following purposes only:

(a) Payments to private hospitals as required under Idaho's medical assistance program as set forth in sections 56-209b through 56-209d, Idaho Code;

(b) Reimbursement of moneys collected by the department from private hospitals through error or mistake in performing the activities authorized under Idaho's medical assistance program;

(c) Payments of administrative expenses incurred by the department or its agent in performing the activities authorized by this chapter;

(d) Payments made to the federal government to repay excess payments made to private hospitals from the fund if the assessment plan is deemed out of compliance and after the state has appealed the findings. Hospitals shall refund the payments in question to the assessment fund. The state in turn shall return funds to both the federal government and hospital providers in the same proportion as the original financing. Individual hospitals shall be reimbursed based on the proportion of the individual hospital's assessment to the total assessment paid by all private hospitals. If a hospital is unable to refund payments, the state shall develop a payment plan and deduct moneys from future medicaid payments;

(e) Transfers to any other fund in the state treasury, provided such transfers shall not exceed the amount transferred previously from that other fund into the hospital assessment fund; and

(f) Making refunds to hospitals pursuant to section 56-1410, Idaho Code; and

(g) Offsetting general funding needed to support Idaho medicaid.

SECTION 2. That Section 56-1404, Idaho Code, be, and the same is hereby amended to read as follows:

56-1404. ASSESSMENTS. (1) All private hospitals, except those exempted under section 56-1408, Idaho Code, shall make payments to the fund in accordance with this chapter. Subject to section 56-1410, Idaho Code, an annual assessment on both inpatient and outpatient services is determined for each qualifying hospital for each state fiscal year in an amount calculated by multiplying the rate, as set forth in subsections (2) (b~~c~~) and (3) (b) of this section, by the assessment base, as set forth in subsection (5) of this section.

(2) (a) The department shall calculate the private hospital upper payment limit gap for both inpatient and outpatient services. The upper payment limit gap is the difference between the maximum allowable payments eligible for federal match, less medicaid payments not financed using hospital assessment funds. The upper payment limit gap shall be calculated separately for hospital inpatient and outpatient services. Medicaid disproportionate share payments shall be excluded from the calculation.

(b) Idaho medicaid will start work toward approval by the centers for medicare and medicaid services (CMS) of an updated upper payment limit calculation methodology no later than July 1, 2022. This change is needed due to the change reflected in section 56-265, Idaho Code, in reimbursement from retrospective cost settlements to prospective payment systems.

(c) The department shall calculate the upper payment limit assessment rate for each state fiscal year to be the percentage that, when multiplied by the assessment base as defined in subsection (5) of this section, equals the upper payment limit gap determined in paragraph (a) of this subsection payment.

(d) Beginning July 1, 2022, or upon approval by CMS, whichever is later, the assessment rate referenced in paragraph (c) of this subsection will increase to the amount needed to attain an increased supplemental upper payment limit payment. This payment amount is subject to CMS approval of the updated upper payment limit methodology described in paragraph (a) of this subsection and legislative appropriation.

(e) Beginning July 1, 2023, an additional amount will be assessed at thirty percent (30%) of the upper payment limit payment to be utilized for general fund medicaid needs.

(f) If CMS does not approve the updated upper payment limit methodology described in paragraph (b) of this subsection, then the additional assessment described in paragraph (e) of this subsection shall not be implemented.

(g) The assessment described in paragraph (e) of this subsection shall be assessed only if the upper payment limit payment is greater than the total assessment.

(3) (a) The department shall calculate the disproportionate share allotment amount to be paid to private in-state hospitals.

(b) The department shall calculate the disproportionate share assessment rate for private in-state hospitals to be the percentage that, when multiplied by the assessment base as defined in subsection (5) of this section, equals the amount of state funding necessary to pay the private in-state hospital disproportionate share allotment determined in paragraph (a) of this subsection.

(4) For private in-state hospitals, the assessments calculated pursuant to subsections (2) and (3) of this section shall not be greater than ~~two and one-half percent (2.5%)~~ the federal limit as referenced in 42 CFR 433.68 of the assessment base as defined in subsection (5) of this section.

(5) The assessment base shall be the hospital's net patient revenue for the applicable period. ~~"Net patient revenue" for~~, beginning with state fiscal year 2009~~23~~, shall be determined using ~~the most recent data available from each hospital's fiscal year 2004~~<sup>21</sup> medicare cost report on file with the department ~~on June 30, 2008~~, without regard to any subsequent adjustments or changes to such data. If the 2021 cost report has not been filed, the prior year's cost report will be used. Net patient revenue for each state fiscal year thereafter shall be determined in the same manner using a rolling yearly schedule for each hospital's fiscal year medicare cost report ~~on file with the department on June 30 of each subsequent year without regard to any subsequent adjustments or changes to such data.~~

SECTION 3. That Section 56-1408, Idaho Code, be, and the same is hereby amended to read as follows:

56-1408. EXEMPTIONS. (1) State hospital south in Blackfoot, Idaho, and state hospital north in Orofino, Idaho, and the department of veterans affairs medical center in Boise, Idaho, are exempt from the assessment required by section 56-1404, Idaho Code.

(2) A private hospital that does not provide emergency services through an emergency department and is not categorized as "rehabilitation," or "psychiatric," or "long-term acute care hospital" as provided in section II.C. of the "application for hospital licenses and annual report --- 2007" by the bureau of facility standards of for the most recent year filed with the department of health and welfare, is exempt from the assessment required by section 56-1404, Idaho Code.

SECTION 4. That Section 56-1410, Idaho Code, be, and the same is hereby amended to read as follows:

56-1410. APPLICABILITY. (1) The assessment required by section 56-1404, Idaho Code, shall not take effect or shall cease to be imposed, and any moneys remaining in the fund shall be refunded to hospitals in proportion to the amounts paid by such hospitals if:

~~(a) The fund created in section 56-1403, Idaho Code, is used to replace moneys appropriated to the Idaho medical assistance program by the legislature; or~~

~~(b) The the payments to hospitals required under section 56-1403(3), Idaho Code, are changed or are not eligible for federal matching funds under the Idaho medical assistance program.~~

(2) The assessment required by section 56-1404, Idaho Code, shall not take effect or shall cease to be required if the assessment is not approved or is determined to be impermissible under title XIX of the social security act. Moneys in the fund derived from assessments required prior thereto shall be distributed in accordance with section 56-1403(3), Idaho Code, to the extent federal matching funds are not reduced due to the impermissibility of the assessments, and any remaining moneys shall be refunded to hospitals in proportion to the amounts paid by such hospitals.

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, 2022.

Approved March 22, 2022

CHAPTER 134  
(S.B. No. 1353)

AN ACT

RELATING TO HEALTH; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 97, TITLE 39, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE LEGISLATIVE INTENT, AND TO ESTABLISH PROVISIONS REGARDING A FACILITY PATIENT'S OR RESIDENT'S RIGHT TO HAVE ESSENTIAL CAREGIVERS VISIT UNDER CERTAIN CIRCUMSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 97, Title 39, Idaho Code, and to read as follows:

CHAPTER 97  
ESSENTIAL CAREGIVERS

39-9701. DEFINITIONS. As used in this chapter:

- (1) "Assistance" means aid in meeting daily living needs.
- (2) "Essential caregiver" means a person designated by a patient or resident to visit the patient or resident at a facility.
- (3) "Facility" means an institution providing health care services, a health care setting, or a setting in which to receive assistance, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, nursing facilities, skilled nursing centers, residential treatment centers, rehabilitation and other therapeutic health settings, certified family homes, group homes, or assisted living facilities.
- (4) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.
- (5) "Patient" means a person receiving health care services at a facility.
- (6) "Resident" means a person receiving assistance at a facility.

39-9702. LEGISLATIVE INTENT. In enacting this chapter, it is the intent of the legislature to guarantee and protect the right of Idahoans to be visited by essential caregivers of their choosing when staying in a health care or assistance facility.

39-9703. RIGHT TO ESSENTIAL CAREGIVERS. (1) A patient or resident has the right to visitation from an essential caregiver while receiving assistance or health care services at a facility, even if other visitors are being excluded by the facility. However, the essential caregiver must follow safety and other protocols imposed by the facility, and a facility may place reasonable restrictions as to where and when the essential caregiver may visit. For purposes of this subsection, a restriction is reasonable if the restriction:

- (a) Is necessary to prevent the disruption of assistance or health care services to the patient or resident; and
  - (b) Does not interfere with the patient's or resident's general right to visitation by essential caregivers.
- (2) A facility that provides or intends to provide health care services or assistance must:
- (a) When practicable, notify a potential patient or resident of the right to designate essential caregivers prior to admission to the facility;
  - (b) Provide each patient or resident an opportunity to designate essential caregivers; and
  - (c) Accommodate a patient's or resident's request to have essential caregivers visit within the limits prescribed by this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 22, 2022

CHAPTER 135  
(H.B. No. 750)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE POLICE; APPROPRIATING MON-  
EYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2023; LIMITING THE NUM-  
BER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDI-  
TIONAL MONEYS TO THE IDAHO STATE POLICE FOR THE PATROL PROGRAM FOR FIS-  
CAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN  
EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Idaho State Police the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. BRAND INSPECTION:</b>					
FROM:					
State Brand Board					
Fund	\$3,000,000	\$496,700	\$214,200		\$3,710,900
<b>II. DIVISION OF IDAHO STATE POLICE:</b>					
<b>A. DIRECTOR'S OFFICE:</b>					
FROM:					
General					
Fund	\$2,544,400	\$216,600			\$2,761,000
Idaho Law Enforcement					
Fund		2,800	\$15,000		17,800
Idaho Law Enforcement (Project Choice)					
Fund	159,900	1,200			161,100
Miscellaneous Revenue					
Fund		74,200			74,200
Federal Grant					
Fund	<u>73,900</u>	<u>18,100</u>	<u>0</u>		<u>92,000</u>
TOTAL	\$2,778,200	\$312,900	\$15,000		\$3,106,100
<b>B. CAPITOL PROTECTIVE SERVICES:</b>					
FROM:					
General					
Fund	\$1,824,500	\$97,800			\$1,922,300
Idaho Law Enforcement					
Fund		585,700	\$1,018,200		1,603,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>Idaho Law Enforcement (Project Choice)</b>					
Fund	84,400	1,100			85,500
<b>Miscellaneous Revenue</b>					
Fund	<u>100,900</u>	<u>7,200</u>	<u>0</u>		<u>108,100</u>
TOTAL	\$2,009,800	\$691,800	\$1,018,200		\$3,719,800

## C. INVESTIGATIONS:

## FROM:

## General

Fund	\$7,866,600	\$886,600			\$8,753,200
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## Alcohol Beverage Control

Fund		48,600	\$491,900		540,500
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## Idaho Law Enforcement (Project Choice)

Fund	1,125,100	13,700			1,138,800
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## Drug &amp; DWUI Enforcement Donation

Fund	208,600	493,500			702,100
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## Federal Grant

Fund	<u>311,400</u>	<u>658,300</u>	<u>0</u>	<u>\$210,000</u>	<u>1,179,700</u>
TOTAL	\$9,511,700	\$2,100,700	\$491,900	\$210,000	\$12,314,300

## D. PATROL:

## FROM:

## General

Fund	\$15,742,900	\$2,856,500	\$365,000		\$18,964,400
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## Idaho Law Enforcement

Fund	11,079,200	2,107,200	11,207,300		24,393,700
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## Idaho Law Enforcement (Project Choice)

Fund	3,444,300	49,100			3,493,400
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## Hazardous Materials/Waste Enforcement

Fund	503,700	82,700	68,300	\$67,800	722,500
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## Miscellaneous Revenue

Fund	713,700	79,000			792,700
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## Federal COVID-19 Relief

Fund	324,200	29,800		3,521,100	3,875,100
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## Federal Grant

Fund	<u>3,410,300</u>	<u>1,076,500</u>	<u>188,300</u>	<u>2,497,600</u>	<u>7,172,700</u>
TOTAL	\$35,218,300	\$6,280,800	\$11,828,900	\$6,086,500	\$59,414,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>E. LAW ENFORCEMENT PROGRAMS:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$134,800	\$186,200			\$321,000
<b>Alcohol Beverage Control</b>					
Fund	1,552,000	509,200	\$74,400		2,135,600
<b>Idaho Law Enforcement (Project Choice)</b>					
Fund	206,900	2,700			209,600
<b>Miscellaneous Revenue</b>					
Fund		12,500			12,500
<b>Federal Grant</b>					
Fund	<u>75,000</u>	<u>10,000</u>	<u>0</u>		<u>85,000</u>
<b>TOTAL</b>	<b>\$1,968,700</b>	<b>\$720,600</b>	<b>\$74,400</b>		<b>\$2,763,700</b>
<b>F. SUPPORT SERVICES:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$2,147,400	\$1,198,100			\$3,345,500
<b>Idaho Law Enforcement</b>					
Fund		6,700	\$1,493,800		1,500,500
<b>Idaho Law Enforcement (Project Choice)</b>					
Fund	62,000	2,100			64,100
<b>Idaho Law Enforcement Telecommunications</b>					
Fund	765,300	1,290,600			2,055,900
<b>Miscellaneous Revenue</b>					
Fund	1,680,400	2,182,600	32,400		3,895,400
<b>Federal Grant</b>					
Fund	<u>0</u>	<u>35,800</u>	<u>0</u>		<u>35,800</u>
<b>TOTAL</b>	<b>\$4,655,100</b>	<b>\$4,715,900</b>	<b>\$1,526,200</b>		<b>\$10,897,200</b>
<b>G. FORENSIC SERVICES:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$4,558,500	\$837,900			\$5,396,400
<b>Alcohol Beverage Control</b>					
Fund			\$140,000		140,000
<b>Idaho Law Enforcement (Project Choice)</b>					
Fund	450,300	8,500			458,800
<b>Drug &amp; DWUI Enforcement Donation</b>					
Fund		500,500	36,000		536,500
<b>Miscellaneous Revenue</b>					
Fund	96,200	131,200			227,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>Federal Grant</b>					
Fund	<u>207,700</u>	<u>566,900</u>	<u>0</u>		<u>774,600</u>
TOTAL	\$5,312,700	\$2,045,000	\$176,000		\$7,533,700
<b>DIVISION</b>					
TOTAL	\$61,454,500	\$16,867,700	\$15,130,600	\$6,296,500	\$99,749,300
<b>III. POST ACADEMY:</b>					
<b>A. PEACE OFFICER STANDARDS AND TRAINING ACADEMY:</b>					
FROM:					
Idaho Law Enforcement					
Fund			\$250,000		\$250,000
Idaho Law Enforcement (Project Choice)					
Fund	\$43,500	\$1,800			45,300
Peace Officers Training					
Fund	2,705,900	1,863,900	111,400	\$155,900	4,837,100
Misdemeanor Probation Training					
Fund	20,000	30,000		30,000	80,000
Miscellaneous Revenue					
Fund		29,000			29,000
Federal Grant					
Fund	<u>37,300</u>	<u>221,200</u>	<u>0</u>	<u>0</u>	<u>258,500</u>
TOTAL	\$2,806,700	\$2,145,900	\$361,400	\$185,900	\$5,499,900
<b>IV. RACING COMMISSION:</b>					
FROM:					
State Regulatory					
Fund	\$268,800	\$139,000			\$407,800
Pari-Mutuel Distribution					
Fund	<u>0</u>	<u>0</u>		<u>\$30,000</u>	<u>30,000</u>
TOTAL	\$268,800	\$139,000		\$30,000	\$437,800
GRAND TOTAL	\$67,530,000	\$19,649,300	\$15,706,200	\$6,512,400	\$109,397,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Police is authorized no more than six hundred thirty-six and one-tenth (636.10) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 216, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Idaho State Police, in the Patrol Program, \$900,000 from the General Fund to be expended for capital outlay for the period of July 1, 2021, through June 30, 2022.



SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho State Police any unexpended and unencumbered balances appropriated to the Idaho State Police from the General Fund for remote housing units for fiscal year 2022, in an amount not to exceed \$900,000 from the General Fund to be used for nonrecurring expenditures related to remote housing units for the period July 1, 2022, through June 30, 2023. 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. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 22, 2022

CHAPTER 136  
(H.B. No. 646)

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-501, IDAHO CODE, TO PROVIDE FOR THE PRODUCTION OF MEAD, CIDER, AND OTHER FERMENTED BEVERAGES FOR PERSONAL USE; AMENDING CHAPTER 5, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-520, IDAHO CODE, TO PROVIDE FOR THE USE OF HOMEMADE BEER, WINE, MEAD, CIDER, AND OTHER FERMENTED BEVERAGES AT LICENSED PREMISES IN CERTAIN INSTANCES; AMENDING CHAPTER 5, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-521, IDAHO CODE, TO PROVIDE FOR THE STORAGE OF HOMEMADE BEER, WINE, MEAD, CIDER, AND OTHER FERMENTED BEVERAGES AT LICENSED PREMISES IN CERTAIN INSTANCES AND TO PROVIDE FOR CERTAIN USES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

23-501. WINE OR, BEER, MEAD, CIDER, AND OTHER FERMENTED BEVERAGES FOR PERSONAL USE. (1) Any person shall have the privilege of manufacturing wine ~~or brewing, beer, mead, cider, or other fermented beverages~~ for the personal use of himself, family, and guests.

(2) The production of wine, beer, mead, cider, or other fermented beverages per household for family or personal use pursuant to this section may not exceed:

- (a) Two hundred (200) gallons per calendar year if there are two (2) or more adults residing in the household; or
- (b) One hundred (100) gallons per calendar year if there is one (1) adult residing in the household.

SECTION 2. That Chapter 5, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-520, Idaho Code, and to read as follows:

23-520. **HOMEMADE BEER, WINE, MEAD, CIDER, AND OTHER FERMENTED BEVERAGES AT LICENSED PREMISES.** In addition to any other privilege granted to a licensee under this chapter, a licensee may conduct an organized judging, tasting, exhibition, contest, or competition of homemade beer, wine, mead, cider, or other fermented beverages produced pursuant to section 23-501, Idaho Code. Consumption at such events shall be limited solely to the participants in and designated judges of such events. Fermented beverages used for the purposes described in this section shall be served in portions not exceeding six (6) ounces and shall not be sold to, offered for sale to, or made available for consumption by the general public.

SECTION 3. That Chapter 5, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-521, Idaho Code, and to read as follows:

23-521. **STORAGE OF HOMEMADE BEER, WINE, MEAD, CIDER, AND OTHER FERMENTED BEVERAGES.** (1) In addition to any other privilege granted to a licensee under this chapter, a licensee may allow homemade beer, wine, mead, cider, or other fermented beverages produced under section 23-501, Idaho Code, to be stored at the premises described in a full or limited on-premises sales license, off-premises sales license, brewery-public house license, brewery license, winery license, or warehouse license of the licensee. Homemade beer, wine, mead, cider, or other fermented beverages stored pursuant to this subsection must be clearly identified by the producer and kept separate from the alcoholic beverage stock of the licensee and may not be sold or made available for sale to the general public.

(2) A licensee may not acquire any ownership interest in any homemade beer, wine, mead, cider, or other fermented beverages produced under section 23-501, Idaho Code, that are stored pursuant to this section. However, this section does not prohibit a licensee from storing homemade beer, wine, mead, cider, or other fermented beverages produced under section 23-501, Idaho Code, in conducting an organized judging, tasting, exhibition, contest, or competition of the homemade beer, wine, mead, cider, or other fermented beverages, or related events, if the homemade beer, wine, mead, cider, or other fermented beverages are stored with the licensee for that purpose.

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, 2022.

Approved March 22, 2022

CHAPTER 137  
(H.B. No. 752)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE PERMANENT BUILDING FUND TO THE ADMINISTRATION AND ACCOUNTING SERVICES FUND; TRANSFERRING MONEYS FROM THE STATE FISCAL RECOVERY FUND TO THE EMPLOYEE GROUP INSURANCE FUND; 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 Department of Administration the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
<b>I. MANAGEMENT SERVICES:</b>				
FROM:				
General				
Fund	\$191,300	\$68,100		\$259,400
Permanent Building				
Fund	160,600	18,100		178,700
Administration and Accounting Services				
Fund	578,600	95,200		673,800
Federal Surplus Property Revolving				
Fund	21,700			21,700
Employee Group Insurance				
Fund	79,700	100		79,800
Retained Risk				
Fund	58,300			58,300
Industrial Special Indemnity				
Fund	<u>25,900</u>	<u>0</u>		<u>25,900</u>
TOTAL	\$1,116,100	\$181,500		\$1,297,600
<b>II. PUBLIC WORKS:</b>				
FROM:				
General				
Fund		\$1,675,400		\$1,675,400
Permanent Building				
Fund	\$2,814,400	725,900	\$204,500	3,744,800
Administration and Accounting Services				
Fund	<u>2,965,400</u>	<u>9,514,700</u>	<u>0</u>	<u>12,480,100</u>
TOTAL	\$5,779,800	\$11,916,000	\$204,500	\$17,900,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
<b>III. PURCHASING:</b>				
<b>FROM:</b>				
<b>Administration and Accounting Services</b>				
Fund	\$1,503,300	\$570,400		\$2,073,700
<b>Federal Surplus Property Revolving</b>				
Fund	<u>210,400</u>	<u>413,800</u>		<u>624,200</u>
<b>TOTAL</b>	<b>\$1,713,700</b>	<b>\$984,200</b>		<b>\$2,697,900</b>
<b>IV. INSURANCE MANAGEMENT:</b>				
<b>FROM:</b>				
<b>Employee Group Insurance</b>				
Fund	\$482,000	\$407,700		\$889,700
<b>Retained Risk</b>				
Fund	760,900	193,200		954,100
<b>Industrial Special Indemnity</b>				
Fund	<u>215,900</u>	<u>100,700</u>		<u>316,600</u>
<b>TOTAL</b>	<b>\$1,458,800</b>	<b>\$701,600</b>		<b>\$2,160,400</b>
<b>V. DOCUMENT SERVICES:</b>				
<b>FROM:</b>				
<b>General</b>				
Fund	\$693,000			\$693,000
<b>Administration and Accounting Services</b>				
Fund	<u>323,300</u>	<u>\$584,900</u>	<u>\$110,100</u>	<u>1,018,300</u>
<b>TOTAL</b>	<b>\$1,016,300</b>	<b>\$584,900</b>	<b>\$110,100</b>	<b>\$1,711,300</b>
<b>GRAND TOTAL</b>	<b>\$11,084,700</b>	<b>\$14,368,200</b>	<b>\$314,600</b>	<b>\$25,767,500</b>

**SECTION 2. FTP AUTHORIZATION.** In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred twenty-eight (128.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

**SECTION 3. CASH TRANSFER.** There is hereby appropriated and the Office of the State Controller shall transfer \$1,737,500 from the Permanent Building Fund to the Administration and Accounting Services Fund on July 1, 2022, or as soon thereafter as practicable, for the Capitol Mall Facilities payment in the Division of Public Works due in fiscal year 2023.

**SECTION 4. CASH TRANSFER.** The Office of the State Controller shall transfer \$25,000,000 from the State Fiscal Recovery Fund to the Employee Group Insurance Fund on July 1, 2022, or as soon thereafter as practicable.

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, 2022.

Approved March 22, 2022

CHAPTER 138  
(H.B. No. 721)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; 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 Defense Commission the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2022, through June 30, 2023:

FOR:

Personnel Costs	\$778,400
Operating Expenditures	260,100
Trustee and Benefit Payments	<u>10,640,900</u>
TOTAL	\$11,679,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Defense Commission is authorized no more than seven (7.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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, 2022.

Approved March 22, 2022

CHAPTER 139  
(H.B. No. 725)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC CHARTER SCHOOL COMMISSION FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE PUBLIC CHARTER SCHOOL COMMISSION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; 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. 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, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$134,800	\$47,600	\$182,400
Public Charter School Authorizers			
Fund	<u>394,600</u>	<u>101,300</u>	<u>495,900</u>
TOTAL	\$529,400	\$148,900	\$678,300

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, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho Public Charter School Commission any unexpended and unencumbered balances appropriated or reappropriated to the Public Charter School Commission from the Public Charter School Authorizers Fund for fiscal year 2022, to be used for nonrecurring expenditures, for the period July 1, 2022, through June 30, 2023. 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, this act shall be in full force and effect on and after July 1, 2022.

Approved March 22, 2022

CHAPTER 140  
(H.B. No. 743)

AN ACT

RELATING TO THE APPROPRIATION TO THE STEM ACTION CENTER FOR FISCAL YEAR 2023;  
APPROPRIATING MONEYS TO THE STEM ACTION CENTER FOR FISCAL YEAR 2023;  
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; 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 STEM Action Center the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
<b>FROM:</b>				
<b>General</b>				
Fund	\$635,000	\$2,538,200		\$3,173,200
<b>STEM Education</b>				
Fund		2,929,900		2,929,900
<b>American Rescue Plan</b>				
Fund	<u>0</u>	<u>0</u>	<u>\$8,500</u>	<u>8,500</u>
<b>TOTAL</b>	<b>\$635,000</b>	<b>\$5,468,100</b>	<b>\$8,500</b>	<b>\$6,111,600</b>

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the STEM Action Center is authorized no more than six (6.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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, 2022.

Approved March 22, 2022

CHAPTER 141  
(H.B. No. 598)

AN ACT

RELATING TO THE GENETIC TESTING PRIVACY ACT; AMENDING SECTION 39-8303, IDAHO CODE, TO PROVIDE A CERTAIN EXCEPTION REGARDING DNA ANALYSIS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-8303, Idaho Code, be, and the same is hereby amended to read as follows:

39-8303. RESTRICTIONS ON EMPLOYERS. (1) Except as provided in subsections (2) and (3) of this section, an employer shall not, in connection with a hiring, promotion, retention or other related decision:

- (a) Access or otherwise take into consideration private genetic information about an individual;
- (b) Request or require an individual to consent to a release for the purpose of accessing private genetic information about the individual;
- (c) Request or require an individual or his blood relative to submit to a genetic test; or
- (d) Inquire into the fact that an individual or his blood relative has taken or refused to take a genetic test.

(2) (a) Notwithstanding the provisions of subsection (1) of this section, an employer may seek an order compelling the disclosure of private genetic information held by an individual or third party pursuant to subsection (2) (b) of this section in connection with:

- (i) An employment-related judicial or administrative proceeding in which the individual has placed his health at issue; or
- (ii) An employment-related decision in which the employer has a reasonable basis to believe that the individual's health condition poses a real and unjustifiable safety risk requiring the change or denial of an assignment.

(b) (i) An order compelling the disclosure of private genetic information pursuant to this subsection ~~(2)~~ may only be entered only upon a finding that:

- (A) Other ways of obtaining the private information are not available or would not be effective; and
- (B) There is a compelling need for the private genetic information ~~which~~ that substantially outweighs the potential harm to the privacy interests of the individual.

(ii) An order compelling the disclosure of private genetic information pursuant to this subsection ~~(2)~~ shall:

- (A) Limit disclosure to those parts of the record containing information essential to fulfill the objective of the order;
- (B) Limit disclosure to those persons whose need for the information is the basis of the order; and
- (C) Include such other measures as may be necessary to limit disclosure for the protection of the individual.

(3) An employer who conducts DNA analysis for law enforcement purposes as a forensic laboratory or for the purposes of human remains identification may request or require genetic information of its employees or contractors but only to the extent that such genetic information is used for analysis of DNA identification markers for quality control to detect sample contamination.



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, 2022.

Approved March 22, 2022

CHAPTER 142  
(H.B. No. 476)

AN ACT

RELATING TO THE YOUTH CHALLENGE PROGRAM; AMENDING SECTION 46-805, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE GOVERNING BOARD, TO REMOVE PROVISIONS REGARDING CERTAIN ADMINISTRATIVE RULES, TO PROVIDE FOR ELIGIBILITY REQUIREMENTS, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 46-805, Idaho Code, be, and the same is hereby amended to read as follows:

46-805. YOUTH CHALLENGE PROGRAM.

(1) (a) There is hereby established the Idaho youth challenge program, a ~~multi-phased~~ multiphased youth intervention program. The program will provide, among other things, a structured, disciplined residential phase of at least twenty-two (22) weeks focusing on education and practical life skills and a post-residential phase of at least twelve (12) months involving skilled and trained mentors supporting graduates and engaged in positive and durable placement of graduates. The youth challenge program shall be focused on assisting participants in achieving a high school diploma or obtaining a general equivalency diploma (GED) and helping to ensure that participants become productive members of society.

(b) The program shall be eligible to receive and expend any moneys provided to the program including, but not limited to, private contributions, federal funds and state alternative school funding. In the event that moneys for any fiscal year are inadequate to fund the youth challenge program, the program shall be discontinued. The decision to discontinue the program due to inadequate funding shall be made by the legislature and the governor in a joint letter provided to the adjutant general and signed by the governor, the president pro tempore of the senate and the speaker of the house of representatives.

(2) The youth challenge program shall be administered by the state adjutant general in conjunction with:

(a) The board of trustees of an appropriate school district of this state; or

(b) A governing board, the members of which shall be nominated by the adjutant general and appointed by the governor. ~~The size of such governing board and qualifications and terms of board members shall be provided for in rule authorized by this section.~~

(3) The program and all program participants shall be governed by all applicable laws, regulations, and guidelines, including, but not limited to, 32 U.S.C. section 509.

(4) (a) In order to be eligible to participate in the program, applicants shall ~~meet the criteria established by the adjutant general in administrative rule.~~ :

(i) Be between the ages of sixteen (16) and eighteen (18) years on the first day of the residential phase. Applicants who are fifteen (15) years old and who will turn sixteen (16) years old during the residential phase may attend if approved by the program director, but such applicants must be enrolled in a high school credit recovery track to allow for their eventual return to high school;

(ii) Be a citizen or legal resident of the United States;

(iii) Be a resident of the state of Idaho;

(iv) Be physically and mentally capable to participate in the program in which enrolled with reasonable accommodation for physical and other disabilities;

(v) Receive a physical examination in conjunction with their enrollment into the program. Such examination must be sufficient to reach a conclusion as to the participant's ability to complete the program with reasonable accommodation only for physical and other disabilities. The examination may also include testing for substance abuse and pregnancy insofar as directed by department of defense instructions and insofar as such testing does not conflict with state law;

(vi) Be a high school dropout. A high school dropout is an individual who is no longer attending any school and who has not yet received a secondary school diploma or certificate from a program of equivalency for such diploma;

(vii) Be unemployed or underemployed at the time an application is submitted;

(viii) Not be currently on parole or probation for anything other than juvenile status offenses or misdemeanors;

(ix) Not be under indictment or charged with or convicted of a crime that is considered a felony when charged as an adult;

(x) Be free from use of illegal substances and the illegal use of substances; and

(xi) Meet any other criteria applicable to the program as established by federal law, regulation, or agency instruction.

(b) Applicants shall be selected for the program by the youth challenge program board of admissions. Such board shall be appointed by the adjutant general. ~~Qualifications for board membership, length of board terms, size of the board and other necessary provisions shall be established by the adjutant general in administrative rule.~~

(5) The adjutant general is authorized to enter into contracts and to promulgate rules to implement the provisions of this section.

(6) The school district where the youth challenge program is located may take steps to have the youth challenge program be considered and designated as an alternative school.

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

Approved March 22, 2022

CHAPTER 143  
(H.B. No. 759)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2023; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; 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 for Community Colleges the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
<b>I. COLLEGE OF SOUTHERN IDAHO:</b>				
FROM:				
General				
Fund	\$14,835,300	\$2,310,900		\$17,146,200
Community College				
Fund	<u>0</u>	<u>200,000</u>		<u>200,000</u>
TOTAL	\$14,835,300	\$2,510,900		\$17,346,200
<b>II. COLLEGE OF WESTERN IDAHO:</b>				
FROM:				
General				
Fund	\$15,652,500	\$3,442,500		\$19,095,000
Community College				
Fund		200,000		200,000
American Rescue Plan				
Fund	<u>0</u>	<u>0</u>	<u>\$8,000</u>	<u>8,000</u>
TOTAL	\$15,652,500	\$3,642,500	\$8,000	\$19,303,000
<b>III. NORTH IDAHO COLLEGE:</b>				
FROM:				
General				
Fund	\$12,399,300	\$2,166,800		\$14,566,100
Community College				
Fund	<u>0</u>	<u>175,000</u>	<u>\$25,000</u>	<u>200,000</u>
TOTAL	\$12,399,300	\$2,341,800	\$25,000	\$14,766,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
IV. COLLEGE OF EASTERN IDAHO:				
FROM:				
General				
Fund	\$6,060,400	\$22,000		\$6,082,400
Community College				
Fund	200,000			200,000
American Rescue Plan				
Fund	<u>0</u>	<u>0</u>	<u>\$6,000</u>	<u>6,000</u>
TOTAL	\$6,260,400	\$22,000	\$6,000	\$6,288,400
V. CC SYSTEMWIDE:				
FROM:				
General				
Fund		\$39,200		\$39,200
GRAND TOTAL	\$49,147,500	\$8,556,400	\$39,000	\$57,742,900

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. The State Board of Education for Community Colleges is hereby exempted from the provisions of Section 67-3511(1), (2), and (3), Idaho Code, allowing unlimited transfers between object codes and between programs for all moneys appropriated to it for the period July 1, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

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, 2022.

Approved March 22, 2022

CHAPTER 144  
(H.B. No. 477)

AN ACT

RELATING TO THE MILITARY; AMENDING THE HEADING FOR CHAPTER 2, TITLE 46, IDAHO CODE; AMENDING SECTION 46-202, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 46-205, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 46-207, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 46-215, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 46-224, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 46-225, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 46-226, IDAHO CODE, TO REVISE TERMINOLOGY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That the Heading for Chapter 2, Title 46, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 2  
OFFICERS AND ENLISTED MEN PERSONNEL

SECTION 2. That Section 46-202, Idaho Code, be, and the same is hereby amended to read as follows:

46-202. COMMISSIONED OFFICERS -- APPOINTMENT AND COMMISSION -- OATH -- TEMPORARY APPOINTMENTS. All commissioned officers shall be appointed by the governor as ~~commander-in-chief~~, commander in chief and be commissioned according to the grade in the department, corps, or arm of the service in which they are appointed, and shall be assigned to duty by the ~~commander-in-chief~~ commander in chief. They shall take and subscribe to the following oath:

"I . . . do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the constitution of the state of Idaho against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey orders of the president of the United States and the governor of the state of Idaho, that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of . . . in the national guard of the state of Idaho upon which I am about to enter, so help me God."

The appointment of officers in the national guard shall be temporary until such appointees shall have been federally recognized under the provisions of the national defense act. Any officer so temporarily appointed as an officer of the national guard of this state is hereby authorized to exercise all powers of his or her office during the time said temporary appointment shall remain in force. Such temporary appointment shall expire upon written notice from the national guard bureau that federal recognition has been denied, and upon receipt of said notice, the governor is authorized and is hereby directed to discharge such temporary officer from the national guard; provided, that the provisions of this section shall not apply to officers of such forces of the organized and unorganized militias which that may be called into active service of the state.

SECTION 3. That Section 46-205, Idaho Code, be, and the same is hereby amended to read as follows:

46-205. VACATION OF COMMISSION -- DISCHARGE. Commissions of officers of the national guard shall be vacated upon resignation duly accepted by the governor; for absence without leave for three (3) months; upon the recommendation of an efficiency board approved by the governor as provided by national guard regulations; pursuant to the sentence of a general court-martial after the approval thereof by the governor, imposing sentence of dismissal; or when an officer has been convicted in a civil court of any crime of the grade of felony; upon withdrawal of federal recognition by the secretary of the army or the secretary of the air force; provided, that a formal discharge shall not be given to any officer of the national guard until he or she shall have given a satisfactory clearance for all property belonging to the state or to the United States issued for the use in the military service by the national guard for which he or she is accountable or responsible, or both; and if discharge from the service of the national guard of the state shall be given before such satisfactory clearance for the responsibility of said property has been given, then such discharge shall be and is hereby declared null and void.

SECTION 4. That Section 46-207, Idaho Code, be, and the same is hereby amended to read as follows:

46-207. RETIRING OFFICER RESPONSIBLE FOR STATE PROPERTY -- STATUS PENDING SETTLEMENT OF ACCOUNTS. A commissioned officer responsible or accountable for state funds or state property, or property or funds of the United States, intended and issued for use in the military service, issued or entrusted to him or her by the adjutant general or the United States property and fiscal officer, or acquired by transfer, inventory, or purchase, from any state fund or from any annual allowance of state funds or acquired in any other manner, who may tender his or her resignation and whose accounts are not settled, may be relieved from active duty and held as a supernumerary officer pending settlement of his or her accounts; and when so relieved from active duty, the office in which he or she is so commissioned or to which he or she has been assigned shall be considered as vacated: provided, that a commissioned officer so held as a supernumerary officer shall be amenable to court-martial for military offenses to the same extent and in like manner as if upon the active list of officers.

SECTION 5. That Section 46-215, Idaho Code, be, and the same is hereby amended to read as follows:

46-215. ACCOUNTING FOR PROPERTY UPON DISCHARGE. An enlisted person who has not returned or properly accounted for all the public property belonging to the state or to the United States, issued for use in the military service, and for which he or she is responsible, shall not receive a full and complete discharge from the national guard of this state: provided, that if a discharge for any enlisted man person shall have been given before the return of or proper accounting for said property for which he or she is responsible, then said discharge shall be and is hereby declared null and void.

SECTION 6. That Section 46-224, Idaho Code, be, and the same is hereby amended to read as follows:

46-224. ENTITLED TO RESTORATION OF POSITION AFTER LEAVE OF ABSENCE FOR MILITARY TRAINING. Any person who is a duly qualified member of the national guard or of the reserve components of the armed forces, who is a member of an organized unit and who, in order to receive military training with the armed forces of the United States, not to exceed fifteen (15) days in any one (1) calendar year, leaves a position other than employment of a temporary nature in the employ of any employer, and who shall give evidence defining date of departure and date of return for purposes of military training ninety (90) days prior to the date of departure and who shall further give evidence of the satisfactory completion of such training immediately thereafter, and who is still qualified to perform the duties of such position, shall be entitled to be restored to his or her previous or similar position with the same status, pay and seniority. Such seniority shall continue to accrue during such period of absence, and such period of absence for military training shall be construed as an absence without leave and within the discretion of the employer. Said leave may be with or without pay.

SECTION 7. That Section 46-225, Idaho Code, be, and the same is hereby amended to read as follows:

46-225. VACATION, SICK LEAVE, BONUS, HEALTH INSURANCE AND ADVANCEMENT UNAFFECTED BY LEAVE OF ABSENCE. Such absence for military training provided in this chapter shall not affect the employee's right to receive normal vacation, sick leave, bonus, advancement, and other advantages of his or her employment normally to be anticipated in his or her particular position. All officers and employees of the state of Idaho who shall be members of the national guard or who shall be reservists in the armed forces of the United States shall also be entitled to their existing medical benefits for the first thirty (30) days of a deployment ordered or authorized under the provisions of the national defense act, and such entitlement shall not decrease any existing accrued leave balances.

SECTION 8. That Section 46-226, Idaho Code, be, and the same is hereby amended to read as follows:

46-226. NONCOMPLIANCE OF EMPLOYER ENTITLING EMPLOYEE TO DAMAGES OR EQUITABLE RELIEF. If any employer fails to comply with any of the provisions of this act, the employee may, ~~at his election,~~ bring an action at law for damages for such noncompliance or apply to the district court for such equitable relief as may be just and proper under the circumstances.

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, 2022.

Approved March 22, 2022

CHAPTER 145  
(H.B. No. 478)

AN ACT

RELATING TO THE MILITARY DIVISION; AMENDING SECTION 67-827A, IDAHO CODE, TO AUTHORIZE THE MILITARY DIVISION TO CHARGE AND RECEIVE PAYMENT FOR EXPENSES INCURRED IN PROVIDING SERVICES TO UNITS OF STATE GOVERNMENT UNDER SPECIFIED LAW; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-827A, Idaho Code, be, and the same is hereby amended to read as follows:

67-827A. POWERS AND DUTIES. The office of information technology services is hereby authorized and directed:

- (1) (a) (i) To control and approve the acquisition and installation of all telecommunications equipment and facilities for all departments and institutions of state government, except as provided in subparagraphs (ii), (iii) and (iv) of this paragraph;
- (ii) To coordinate the acquisition and installation of all telecommunications equipment and facilities for the institutions of higher education and the elected officers in the executive branch;
- (iii) To coordinate the acquisition and installation of all telecommunications equipment and facilities for the legislative and judicial branches;

(iv) Provided however, that the acquisition and installation of all public safety and microwave equipment shall be under the control of the military division. The military division is authorized to charge and receive payment for actual and necessary expenses incurred in providing services to any unit of state government under the provisions of this subparagraph.

(b) In approving or coordinating the acquisition or installation of telecommunications equipment or facilities, the office shall first consult with and consider the recommendations and advice of the directors or executive heads of the various departments or institutions. Any acquisition or installation of any telecommunications equipment or facilities that is contrary to the office's recommendation, or is not in harmony with the state's overall plan for telecommunications and information sharing, shall be reported in writing to the governor and the legislature.

(2) To provide a system of telecommunications for all departments and institutions of state government. Funds received pursuant to this subsection shall be appropriated for payment of telecommunication and telephone charges incurred by the various agencies and institutions of state government.

(3) To provide a means whereby political subdivisions of the state may use the state telecommunications system, upon such terms and under such conditions as the office of information technology services may establish.

(4) To accept federal funds granted by congress or by executive order for all or any of the purposes of this chapter, as well as gifts and donations from individuals and private organizations or foundations.

(5) To oversee implementation of cybersecurity policies to foster risk and cybersecurity management telecommunications and decision-making with both internal and external organizational stakeholders.

(6) To coordinate and consult with state agencies and officials regarding information security needs.

(7) To coordinate with state agencies and officials on penetration tests and vulnerability scans of state technology systems in order to identify steps to mitigate identified risks.

(8) To coordinate with state agencies and officials to ensure that state agencies implement mandatory education and training of state employees and provide guidance on appropriate levels of training for various classifications of state employees.

(9) To coordinate with appropriate state agencies to create, coordinate, publish, routinely update and market a statewide cybersecurity website as an information repository for intelligence-sharing and cybersecurity best practices.

(10) To coordinate public and private entities to develop, create and promote statewide public outreach efforts to protect personal information and sensitive data from cyber threats.

(11) To promulgate and adopt reasonable rules for effecting the purposes of this act pursuant to the provisions of chapter 52, title 67, 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 July 1, 2022.

Approved March 22, 2022



CHAPTER 146  
(S.B. No. 1322)

AN ACT

RELATING TO SEXUAL OFFENDER REGISTRATION; AMENDING SECTION 18-8307, IDAHO CODE, TO REVISE A PROVISION REGARDING REGISTRATION; AMENDING SECTION 18-8308, IDAHO CODE, TO REVISE PROVISIONS REGARDING ADDRESS VERIFICATION AND REGISTRATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-8307, Idaho Code, be, and the same is hereby amended to read as follows:

18-8307. REGISTRATION. (1) Registration shall consist of a form provided by the department and approved by the attorney general, which shall be signed by the offender and shall require the information set forth in subsection (1) of section 18-8305, Idaho Code.

(2) At the time of registration, the sheriff shall obtain a photograph and fingerprints, in a manner approved by the department, and require the offender to provide full palm print impressions of each hand. A violent sexual predator shall pay a fee of fifty dollars (\$50.00) to the sheriff at the time of the first calendar quarter registration and ten dollars (\$10.00) per registration every subsequent quarter in the same calendar year. All other offenders shall pay an annual fee of eighty dollars (\$80.00) to the sheriff for registration. The sheriff may waive the registration fee if the violent sexual predator or other offender demonstrates indigency. The fees collected under this section shall be used by the sheriff to defray the costs of violent sexual predator and other sexual offender registration and verification and for electronic notification, law enforcement information sharing and tracking. Irrespective of the classification or designation of the offender or predator, each county shall cause forty dollars (\$40.00) per offender per year of the fees collected under this section to be used for development, continuous use and maintenance of a statewide electronic notification, information sharing and tracking system as implemented by the Idaho sheriffs' association.

(3) The sheriff shall forward the completed and signed form, photograph, fingerprints and palm prints to the department within three (3) working days of the registration.

(a) The official conducting the registration shall ensure that the notification form is complete and that the offender has read and signed the form.

(b) No person subject to registration shall furnish false or misleading information when complying with registration and notification requirements of this chapter.

(4) (a) Within two (2) working days of coming into any county to establish residence, an offender shall register with the sheriff of the county. The offender thereafter shall register annually, unless the offender is designated as a violent sexual predator, in which case the offender shall register with the sheriff every three (3) months as provided in this section. If the offender intends to reside in another jurisdiction, the offender shall register in the other jurisdiction within two (2) days of moving to that jurisdiction and will not be removed from the sexual offender registry in Idaho until registration in another jurisdiction is complete.

(b) A nonresident required to register pursuant to section 18-8304(1)(b), Idaho Code, shall register with the sheriff of the county where employed or enrolled as a student within two (2) working days of the commencement of employment or enrollment as a student in an educational institution, provided that nonresidents employed in counseling, coaching, teaching, supervising or working with minors in any way, regardless of the period of employment, must register prior to the commencement of such employment.

(5) Registration shall be conducted as follows:

(a) For violent sexual predators the department shall mail a non-forwardable notice of quarterly registration to the offender's last reported address within three (3) months following the last registration;

(b) For all other sex offenders the department shall mail an annual, nonforwardable notice of registration to the offender's last reported address;

(c) Within ~~five~~ seven (5~~7~~) days of the mailing date of the notice, the offender shall appear in person at the office of the sheriff in the county in which the offender is required to register for the purpose of completing the registration process;

(d) If the notice is returned to the department as not delivered, the department shall inform the sheriff with whom the offender last registered of the returned notice.

(6) All written notifications of duty to register as provided herein shall include a warning that it is a felony as provided in section 18-8327, Idaho Code, for an offender to accept employment in any day care center, group day care facility or family day care home, as those terms are defined in chapter 11, title 39, Idaho Code, or to be upon or to remain on the premises of a day care center, group day care facility or family day care home while children are present, other than to drop off or pick up the offender's child or children.

(7) An offender shall keep the registration current for the full registration period. The full registration period is for life; however, offenders may petition for release from the full registration period as set forth in section 18-8310, Idaho Code.

SECTION 2. That Section 18-8308, Idaho Code, be, and the same is hereby amended to read as follows:

18-8308. VERIFICATION OF ADDRESS AND ELECTRONIC MONITORING OF VIOLENT SEXUAL PREDATORS.

(1) (a) The address or physical residence of an offender designated as a violent sexual predator shall be verified by the department between registrations.

(ab) The procedure for verification shall be as follows:

(i) The department shall mail a nonforwardable notice of address verification every thirty (30) days between registrations, to each offender designated as a violent sexual predator.

(ii) Each offender designated as a violent sexual predator shall complete, sign and return the notice of address verification form to the department within ~~seven~~ fourteen (7~~14~~) days of the mailing date of the notice. If the notice of address verification is returned to the department as not delivered, or if the signed notice is not returned on time, the department shall, within five (5) days, notify the sheriff with whom the offender designated as a violent sexual predator last registered.

(iii) The sheriff shall verify the address of the offender by visiting the offender's residence once every six (6) months or, if the offender fails to comply with the provisions of subparagraph (a)(ii) of this subsection paragraph, at any reasonable time to verify the address provided at registration.

(2) The address or physical residence of any sex offender not designated as a violent sexual predator shall be verified by the department between registrations. The procedure for verification shall be as follows:

(a) The department shall mail a nonforwardable notice of address verification every four (4) months between annual registrations.

(b) Each offender shall complete, sign and return the notice of address verification form to the department within ~~seven~~ fourteen (714) days of the mailing date of the notice. If the notice of address verification is returned as not delivered or if the signed notice is not returned on time, the department shall notify the sheriff within five (5) days and the sheriff shall visit the residence of the registered offender at any reasonable time to verify the address provided at registration.

(3) Any individual designated as a violent sexual predator shall be monitored with electronic monitoring technology for the duration of the individual's probation or parole period as set forth in section 20-219(2), Idaho Code. Any person who, without authority, intentionally alters, tampers with, damages or destroys any electronic monitoring equipment required to be worn or used by a violent sexual predator shall be guilty of a felony.

(4) A sexual offender who does not provide a physical residence address at the time of registration shall report, in person, once every ~~seven~~ fourteen (714) days to the sheriff of the county in which he resides. Each time the offender reports to the sheriff, he shall complete a form provided by the department that includes the offender's name, date of birth, social security number and a detailed description of the location where he is residing. The sheriff shall visit the described location at least once each month to verify the location of the offender.

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, 2022.

Approved March 22, 2022

CHAPTER 147  
(S.B. No. 1391)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION ON THE ARTS; APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Commission on the Arts the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>FROM:</b>					
<b>General</b>					
Fund	\$398,500	\$164,000	\$18,500	\$324,700	\$905,700
<b>Miscellaneous Revenue</b>					
Fund		89,800		16,500	106,300
<b>Federal Grant</b>					
Fund	<u>457,300</u>	<u>193,500</u>	<u>27,800</u>	<u>450,200</u>	<u>1,128,800</u>
<b>TOTAL</b>	<b>\$855,800</b>	<b>\$447,300</b>	<b>\$46,300</b>	<b>\$791,400</b>	<b>\$2,140,800</b>

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on the Arts is authorized no more than ten (10.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 81, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Commission on the Arts \$766,000 from the American Rescue Plan Fund to be expended for trustee and benefit payments for the period July 1, 2021, through June 30, 2022, for the purpose of pandemic grants.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Commission on the Arts any unexpended and unencumbered balances appropriated to the Commission on the Arts from the American Rescue Plan Fund for the purpose of grants to art organizations for fiscal year 2022, in an amount not to exceed \$766,000 from the American Rescue Plan Fund, to be used for nonrecurring expenditures related to grants for arts organizations for the period July 1, 2022, through June 30, 2023. 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. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on an after its passage and approval.

Approved March 23, 2022

CHAPTER 148  
(S.B. No. 1396)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF ENERGY AND MINERAL RESOURCES ; APPROPRIATING MONEYS TO THE OFFICE OF ENERGY AND MINERAL RESOURCES FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF ENERGY AND MINERAL RESOURCES FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY; PROVIDING A CASH TRANSFER FOR FISCAL YEAR 2022; 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 Energy and Mineral Resources the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
Indirect Cost Recovery					
Fund	\$215,600	\$34,900			\$250,500
Renewable Energy Resources					
Fund	226,900	40,500			267,400
Miscellaneous Revenue					
Fund	10,100	10,100			20,200
Petroleum Price Violation					
Fund	259,300	158,200	\$24,700	\$58,000	500,200
Federal Grant					
Fund	<u>676,200</u>	<u>217,200</u>	<u>0</u>	<u>1,248,900</u>	<u>2,142,300</u>
TOTAL	\$1,388,100	\$460,900	\$24,700	\$1,306,900	\$3,180,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Energy and Mineral Resources is authorized no more than eleven (11.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 129, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Office of Energy and Mineral Resources \$15,000,000 from the Miscellaneous Revenue Fund to be expended for trustee and benefit payments for the period July 1, 2021, through June 30, 2022, for the purpose of the Energy Resiliency Grant Program.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of Energy and Mineral Resources any unexpended and unencumbered balances appropriated to the Office of Energy and Mineral Resources from the Miscellaneous Revenue Fund for the purpose of the Energy Resiliency Grant Program for fiscal year 2022, in the amount not to exceed \$15,000,000 from the Miscellaneous Revenue Fund, to be used for nonrecurring expenditures related to the Energy Resiliency Grant Program for the period July 1, 2022, through June 30, 2023. 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. CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer \$15,000,000 from the General Fund to the Miscellaneous Revenue Fund as soon as practicable for the period July 1, 2021, through June 30, 2022.

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 March 23, 2022

CHAPTER 149  
(S.B. No. 1394)

AN ACT

RELATING TO THE APPROPRIATION TO THE MILITARY DIVISION; APPROPRIATING MON-  
EYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2023; LIMITING THE NUMBER  
OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS  
APPROPRIATION; APPROPRIATING ADDITIONAL MONEYS TO THE MILITARY DIVI-  
SION FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY FROM THE  
GENERAL FUND; PROVIDING REAPPROPRIATION AUTHORITY FROM THE AMERICAN  
RESCUE PLAN FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Military Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. MILITARY MANAGEMENT:</b>					
FROM:					
General					
Fund	\$2,680,900	\$321,200		\$604,000	\$3,606,100
Indirect Cost Recovery					
Fund	429,900	47,600			477,500
Miscellaneous Revenue					
Fund		765,900			765,900
Administration and Accounting Services					
Fund	2,815,500	963,900	\$392,900		4,172,300
American Rescue Plan					
Fund	<u>0</u>	<u>197,400</u>	<u>56,200</u>	<u>0</u>	<u>253,600</u>
TOTAL	\$5,926,300	\$2,296,000	\$449,100	\$604,000	\$9,275,400
<b>II. FEDERAL/STATE AGREEMENTS:</b>					
FROM:					
General					
Fund	\$1,104,300	\$1,047,400			\$2,151,700
Miscellaneous Revenue					
Fund	1,804,400	435,200			2,239,600
Federal Grant					
Fund	<u>30,394,500</u>	<u>20,443,100</u>			<u>50,837,600</u>
TOTAL	\$33,303,200	\$21,925,700			\$55,228,900
<b>III. OFFICE OF EMERGENCY MANAGEMENT:</b>					
FROM:					
General					
Fund	\$2,091,800	\$163,200			\$2,255,000
American Rescue Plan					
Fund		362,300		\$256,900	619,200
Federal Grant					
Fund	<u>3,041,200</u>	<u>5,114,000</u>	<u>\$2,500,000</u>	<u>11,225,600</u>	<u>21,880,800</u>
TOTAL	\$5,133,000	\$5,639,500	\$2,500,000	\$11,482,500	\$24,755,000
GRAND TOTAL	\$44,362,500	\$29,861,200	\$2,949,100	\$12,086,500	\$89,259,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Military Division is authorized no more than four hundred thirty-five and eight-tenths (435.80) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. The Military Division is hereby granted continuous appropriation authority for the Idaho Office of Emergency Management's Miscellaneous Revenue Fund for the period July 1, 2022, through June 30, 2023, for the purpose of covering incurred costs arising out of hazardous substance incidents.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 113, Laws of 2021, and any other appropriation provided for by law, there is hereby appropriated to the Military Division for the Office of Emergency Management Program \$460,000 from the American Rescue Plan Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of Emergency Management Grants.

SECTION 5. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Military Division any unexpended and unencumbered balances appropriated to the Military Division from the General Fund for fiscal year 2022, in an amount not to exceed \$6,000,000, to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. 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. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Military Division any unexpended and unencumbered balances appropriated to the Military Division from the American Rescue Plan Fund for fiscal year 2022, in an amount not to exceed \$460,000, to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. 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. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 23, 2022

CHAPTER 150  
(S.B. No. 1393)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; 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 Utilities Commission the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:



	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
<b>FROM:</b>			
<b>Indirect Cost Recovery</b>			
Fund		\$219,300	\$219,300
<b>Public Utilities Commission</b>			
Fund	\$4,682,900	1,714,800	6,397,700
<b>Federal Grant</b>			
Fund	<u>289,200</u>	<u>69,200</u>	<u>358,400</u>
<b>TOTAL</b>	<b>\$4,972,100</b>	<b>\$2,003,300</b>	<b>\$6,975,400</b>

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Utilities Commission is authorized no more than forty-nine (49.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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, 2022.

Approved March 23, 2022

CHAPTER 151  
(S.B. No. 1392)

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 2023; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT; 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 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, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. FOREST UTILIZATION RESEARCH:</b>					
FROM:					
General					
Fund	\$1,364,300	\$162,600			\$1,526,900
<b>II. GEOLOGICAL SURVEY:</b>					
FROM:					
General					
Fund	\$1,191,500	\$38,700			\$1,230,200
<b>III. SCHOLARSHIPS AND GRANTS:</b>					
FROM:					
General					
Fund	\$76,000			\$22,163,300	\$22,239,300
Miscellaneous Revenue					
Fund	1,500			1,000,000	1,001,500
Federal Grant					
Fund	<u>20,200</u>	<u>\$1,000</u>		<u>4,504,600</u>	<u>4,525,800</u>
TOTAL	\$97,700	\$1,000		\$27,667,900	\$27,766,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>IV. MUSEUM OF NATURAL HISTORY:</b>					
FROM:					
General					
Fund	\$678,700	\$4,200			\$682,900
ARPA State Fiscal Recovery					
Fund	<u>0</u>	<u>0</u>	<u>\$11,500</u>		<u>11,500</u>
TOTAL	\$678,700	\$4,200	\$11,500		\$694,400
<b>V. SMALL BUSINESS DEVELOPMENT CENTERS:</b>					
FROM:					
General					
Fund	\$770,300				\$770,300
<b>VI. TECHHELP:</b>					
FROM:					
General					
Fund	\$387,900	\$7,500			\$395,400
GRAND TOTAL	\$4,490,400	\$214,000	\$11,500	\$27,667,900	\$32,383,800

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, 2022, through June 30, 2023, 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 .....	9.33
TechHelp .....	3.25

SECTION 3. OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT. Moneys appropriated from the General Fund to the Scholarships and Grants Program for fiscal year 2022 that are unexpended and unencumbered on June 30, 2022, 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. 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, 2022.

Approved March 23, 2022

CHAPTER 152  
(S.B. No. 1309)

AN ACT

RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT; AMENDING SECTION 18-8701, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 289, LAWS OF 2021, TO REDESIGNATE THE SECTION AND TO REVISE A DEFINITION; AMENDING SECTION 18-8702, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 289, LAWS OF 2021, TO REDESIGNATE THE SECTION AND TO REVISE LEGISLATIVE FINDINGS AND INTENT; AMENDING SECTION 18-8704, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 289, LAWS OF 2021, TO REDESIGNATE THE SECTION AND TO PROVIDE THAT THE SECTION DOES NOT RECOGNIZE A RIGHT TO ABORTION BEFORE A FETAL HEARTBEAT IS DETECTED; AMENDING SECTION 18-8705, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 289, LAWS OF 2021, TO REDESIGNATE THE SECTION, TO PROVIDE AN EFFECTIVE DATE UPON A CERTAIN OCCURRENCE, AND TO PROVIDE APPLICABILITY; REPEALING SECTION 18-8706, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 289, LAWS OF 2021, RELATING TO EFFECTIVENESS UPON A CERTAIN OCCURRENCE; AMENDING SECTION 18-8707, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 289, LAWS OF 2021, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR CIVIL CAUSES OF ACTION IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-8701, Idaho Code, as enacted by Section 1, Chapter 289, Laws of 2021, be, and the same is hereby amended to read as follows:

18-87018801. 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~~ in reasonable medical 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.

SECTION 2. That Section 18-8702, Idaho Code, as enacted by Section 1, Chapter 289, Laws of 2021, be, and the same is hereby amended to read as follows:

18-87028802. LEGISLATIVE FINDINGS AND INTENT. The legislature finds and declares that:

(1) The life of each human being begins at fertilization, and ~~unborn~~ preborn 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.

SECTION 3. That Section 18-8704, Idaho Code, as enacted by Section 1, Chapter 289, Laws of 2021, be, and the same is hereby amended to read as follows:

18-87048804. ABORTION FOLLOWING DETECTION OF A FETAL HEARTBEAT PROHIBITED. (1) 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:

(1a) 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

(2b) 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.

(2) Nothing in this section recognizes a right to abortion before a fetal heartbeat is detected.

SECTION 4. That Section 18-8705, Idaho Code, as enacted by Section 1, Chapter 289, Laws of 2021, be, and the same is hereby amended to read as follows:

18-87058805. PENALTIES FOR VIOLATIONS -- EFFECTIVE UPON A CERTAIN OCCURRENCE. (1) This section 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 pre-born child because a detectable heartbeat is present on the grounds that such restriction or ban does not violate the United States constitution.

(2) Every licensed health care professional who intentionally, knowingly, and or 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.

(3) 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.

(4) 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 in that section. In the event both this section and section 18-622, Idaho Code, are enforceable, section 18-622, Idaho Code, shall supersede this section.

SECTION 5. That Section 18-8706, Idaho Code, as enacted by Section 1, Chapter 289, Laws of 2021, be, and the same is hereby repealed.

SECTION 6. That Section 18-8707, Idaho Code, as enacted by Section 1, Chapter 289, Laws of 2021, be, and the same is hereby amended to read as follows:

18-87078807. CIVIL CAUSES OF ACTION. (1) 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. Any female upon whom an abortion has been attempted or performed, the father of the preborn child, a grandparent of the preborn child, a sibling of the preborn child, or an aunt or uncle of the preborn child may maintain an action for:

(a) All damages from the medical professionals who knowingly or recklessly attempted, performed, or induced the abortion in violation of this chapter;

(b) Notwithstanding any other provision of law, statutory damages in an amount not less than twenty thousand dollars (\$20,000) from the medical professionals who knowingly or recklessly attempted, performed, or induced an abortion in violation of this chapter; and

(c) Costs and attorney's fees.

(2) Notwithstanding any other provision of law, a person may bring an action under this section not later than four (4) years following the date the cause of action accrues.

(3) Notwithstanding any other provision of law, a civil cause of action under this section may not be brought by a person who impregnated the mother through an act of rape or incest.

(4) Notwithstanding any other provision of law, including chapter 1, title 12, Idaho Code, a court may not award costs or attorney's fees to a defendant in an action brought under this section.

(5) It shall be an affirmative defense if a person sued under subsection (1) of this section reasonably believed, after conducting a reasonable investigation, that the physician performing or inducing the abortion had complied or would comply with the provisions of this chapter. The defendant has the burden of providing an affirmative defense by a preponderance of the evidence.

(6) The civil causes of action provided for in this section exist independently of any criminal action commenced pursuant to this chapter. A civil cause of action may be pursued under the provisions of this chapter even if a criminal prosecution is not pursued.

(7) Notwithstanding any other provision of law, including chapters 14, 17, and 18, title 54, Idaho Code, the requirements of this section shall be enforced exclusively through the private civil causes of action described. No enforcement of this section may be taken or threatened against any person by this state, a political subdivision of this state, a prosecuting attorney, or an executive or administrative officer or employee of this state or a political subdivision of this state.

(8) Notwithstanding any other provision of law, this state, a state official, or a prosecuting attorney may not intervene in an action brought under this section. Nothing in this subsection shall prohibit a person described in this subsection from filing an amicus curiae brief in the action.

(9) Nothing in this section shall be deemed to affect any familial rights or responsibilities or any proceedings conducted under Idaho law.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect thirty days following signature by the Governor.

Approved March 23, 2022

CHAPTER 153  
(S.B. No. 1358)

AN ACT

RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT; AMENDING SECTION 18-8807, IDAHO CODE, AS AMENDED IN SECTION 6 OF SENATE BILL NO. 1309, IF ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH IDAHO LEGISLATURE, TO REVISE A PROVISION REGARDING COSTS AND ATTORNEY'S FEES AND TO REMOVE A PROVISION REGARDING AN AFFIRMATIVE DEFENSE; AMENDING SECTION 18-8703, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 289, LAWS OF 2021, TO REDESIGNATE THE SECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-8807, Idaho Code, as amended in Section 6 of Senate Bill No. 1309, if enacted by the Second Regular Session of the Sixty-sixth Idaho Legislature, be, and the same is hereby amended to read as follows:

18-8807. CIVIL CAUSES OF ACTION. (1) Any female upon whom an abortion has been attempted or performed, the father of the preborn child, a grandparent of the preborn child, a sibling of the preborn child, or an aunt or uncle of the preborn child may maintain an action for:

(a) All damages from the medical professionals who knowingly or recklessly attempted, performed, or induced the abortion in violation of this chapter;

(b) Notwithstanding any other provision of law, statutory damages in an amount not less than twenty thousand dollars (\$20,000) from the medical professionals who knowingly or recklessly attempted, performed, or induced an abortion in violation of this chapter; and

(c) Costs and attorney's fees.

(2) Notwithstanding any other provision of law, a person may bring an action under this section not later than four (4) years following the date the cause of action accrues.

(3) Notwithstanding any other provision of law, a civil cause of action under this section may not be brought by a person who impregnated the mother through an act of rape or incest.

(4) Notwithstanding any other provision of law, including chapter 1, title 12, Idaho Code, a court may not award costs or attorney's fees to a defendant in an action brought under this section unless the defendant has complied with the applicable requirements of sections 18-8803 and 18-8804, Idaho Code.

~~(5) It shall be an affirmative defense if a person sued under subsection (1) of this section reasonably believed, after conducting a reasonable investigation, that the physician performing or inducing the abortion had complied or would comply with the provisions of this chapter. The defendant has the burden of providing an affirmative defense by a preponderance of the evidence.~~

~~(6) The civil causes of action provided for in this section exist independently of any criminal action commenced pursuant to this chapter. A civil cause of action may be pursued under the provisions of this chapter even if a criminal prosecution is not pursued.~~

(76) Notwithstanding any other provision of law, including chapters 14, 17, and 18, title 54, Idaho Code, the requirements of this section shall be enforced exclusively through the private civil causes of action described. No enforcement of this section may be taken or threatened against any person by this state, a political subdivision of this state, a prosecuting attorney, or an executive or administrative officer or employee of this state or a political subdivision of this state.

(87) Notwithstanding any other provision of law, this state, a state official, or a prosecuting attorney may not intervene in an action brought under this section. Nothing in this subsection shall prohibit a person described in this subsection from filing an amicus curiae brief in the action.

(98) Nothing in this section shall be deemed to affect any familial rights or responsibilities or any proceedings conducted under Idaho law.

SECTION 2. That Section 18-8703, Idaho Code, as enacted by Section 1, Chapter 289, Laws of 2021, be, and the same is hereby amended to read as follows:

18-87038803. 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.



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 the effective date of Senate Bill No. 1309, if enacted by the Second Regular Session of the Sixty-sixth Idaho Legislature.

Approved March 23, 2022

CHAPTER 154  
(H.B. No. 572)

AN ACT

RELATING TO CIVIL AIR PATROL; AMENDING SECTION 39-7114A, IDAHO CODE, TO REVISE PROVISIONS REGARDING CIVIL AIR PATROL, TO PROVIDE FOR THE ADMINISTRATION OF CERTAIN MONEYS, AND TO PROVIDE FOR MEMORANDUMS OF UNDERSTANDING REGARDING OPERATIONAL AND TRAINING MISSIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-7114A, Idaho Code, be, and the same is hereby amended to read as follows:

39-7114A. CIVIL AIR PATROL. (1) There is hereby established within the military division and the Idaho office of emergency management the Idaho directorate of civil air patrol. The mission of the directorate shall be to provide support for and facilitate the operation of the Idaho wing of civil air patrol, Idaho wing, which shall be under the command and control of the duly appointed commanding officer of such wing.

(2) In consideration for services rendered to the state of Idaho and its citizens by the directorate of civil air patrol, Idaho wing, of civil air patrol, the military division shall provide in-kind services or direct financial support to the directorate Idaho wing of civil air patrol, in the form of land use, hangar facilities, mess and billeting facilities, office space, travel, and participation fees for attendance at educational and training opportunities sponsored by civil air patrol, and other entities when deemed necessary and when such facilities are available. The military division shall administer any moneys that may be appropriated from time to time for the benefit of the Idaho wing of civil air patrol, by promptly transferring said moneys to the Idaho wing of civil air patrol, by a grant or similar means in an amount not less than the moneys appropriated. The military division may specify such reporting requirements as it deems appropriate, and the Idaho wing of civil air patrol shall make available to the military division its financial records accounting for usage of any appropriated moneys.

(3) Any operational or training missions assigned to the Idaho wing of civil air patrol by the Idaho office of emergency management and accepted for execution by the Idaho wing of civil air patrol shall be governed by a separate memorandum of understanding that shall be executed from time to time between the Idaho office of emergency management and civil air patrol. Any reimbursement to the Idaho wing of civil air patrol of mission expenses specified by that memorandum of understanding shall be in addition to any appropriated moneys described in this section and shall be paid from moneys otherwise available to the Idaho office of emergency management.

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, 2022.

Approved March 23, 2022

CHAPTER 155  
(H.B. No. 771)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; APPROPRIATING MONEYS TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING AN EXEMPTION FROM PROGRAM TRANSFER LIMITATIONS; 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 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, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. BUILDING CONSTRUCTION AND REAL ESTATE:</b>					
FROM:					
State Regulatory					
Fund	\$12,605,300	\$4,378,600	\$579,300	\$26,000	\$17,589,200
Miscellaneous Revenue/Industrial Safety					
Fund	739,300	100,600			839,900
Miscellaneous Revenue/Logging					
Fund	495,500	76,000			571,500
Federal Grant					
Fund	<u>120,900</u>	<u>75,900</u>	<u>0</u>	<u>0</u>	<u>196,800</u>
TOTAL	\$13,961,000	\$4,631,100	\$579,300	\$26,000	\$19,197,400
<b>II. OCCUPATIONAL LICENSES:</b>					
FROM:					
State Regulatory					
Fund	\$2,029,200	\$1,235,000	\$46,400	\$28,600	\$3,339,200
<b>III. HEALTH PROFESSIONS:</b>					
FROM:					
State Regulatory					
Fund	\$3,923,100	\$3,659,200	\$46,400	\$500	\$7,629,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>IV. ADMINISTRATION:</b>					
<b>FROM:</b>					
State Regulatory					
Fund	\$2,893,300	\$6,213,500			\$9,106,800
<b>GRAND TOTAL</b>	<b>\$22,806,600</b>	<b>\$15,738,800</b>	<b>\$672,100</b>	<b>\$55,100</b>	<b>\$39,272,600</b>

**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 and two-tenths (270.20) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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, 2022, through June 30, 2023. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

**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, 2022.

Approved March 23, 2022

CHAPTER 156  
(H.B. No. 772)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION; PROVIDING REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PROGRAM; PROVIDING REAPPROPRIATION AUTHORITY FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY DIVISION; PROVIDING REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS AND CAPITAL IMPROVEMENTS; AUTHORIZING A TRANSFER OF FUNDS FOR BOND PAYMENTS FOR FISCAL YEAR 2023; PROVIDING A REPORTING REQUIREMENT; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE STRATEGIC INITIATIVES PROGRAM (DEDICATED) FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE LOCAL HIGHWAY DISTRIBUTION FUND FOR FISCAL YEAR 2023; 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 Idaho Transportation Department the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
<b>I. TRANSPORTATION SERVICES:</b>					
<b>A. ADMINISTRATION:</b>					
FROM:					
State Highway (Dedicated)					
Fund	\$19,070,700	\$10,809,600	\$1,561,800		\$31,442,100
State Highway (Federal)					
Fund	<u>472,300</u>	<u>659,100</u>	<u>0</u>	<u>\$300,000</u>	<u>1,431,400</u>
TOTAL	\$19,543,000	\$11,468,700	\$1,561,800	\$300,000	\$32,873,500
<b>B. CAPITAL FACILITIES:</b>					
FROM:					
State Aeronautics (Dedicated)					
Fund			\$100,000		\$100,000
State Highway (Dedicated)					
Fund		<u>\$300,000</u>	<u>22,265,000</u>		<u>22,565,000</u>
TOTAL		\$300,000	\$22,365,000		\$22,665,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>C. AERONAUTICS:</b>					
<b>FROM:</b>					
<b>State Aeronautics (Dedicated)</b>					
Fund	\$1,176,000	\$630,800	\$240,000	\$1,000,000	\$3,046,800
<b>State Aeronautics (Billing)</b>					
Fund	123,200	138,400			261,600
<b>State Highway (Dedicated)</b>					
Fund			10,000		10,000
<b>State Aeronautics (Federal)</b>					
Fund	<u>103,500</u>	<u>573,200</u>	<u>0</u>	<u>0</u>	<u>676,700</u>
<b>TOTAL</b>	<b>\$1,402,700</b>	<b>\$1,342,400</b>	<b>\$250,000</b>	<b>\$1,000,000</b>	<b>\$3,995,100</b>
<b>DIVISION</b>					
<b>TOTAL</b>	<b>\$20,945,700</b>	<b>\$13,111,100</b>	<b>\$24,176,800</b>	<b>\$1,300,000</b>	<b>\$59,533,600</b>
<b>II. MOTOR VEHICLES:</b>					
<b>FROM:</b>					
<b>State Highway (Dedicated)</b>					
Fund	\$17,814,600	\$19,217,600	\$1,137,000		\$38,169,200
<b>State Highway (Federal)</b>					
Fund	<u>0</u>	<u>3,600,000</u>	<u>0</u>		<u>3,600,000</u>
<b>TOTAL</b>	<b>\$17,814,600</b>	<b>\$22,817,600</b>	<b>\$1,137,000</b>		<b>\$41,769,200</b>
<b>III. HIGHWAY OPERATIONS:</b>					
<b>FROM:</b>					
<b>State Highway (Dedicated)</b>					
Fund	\$94,309,800	\$58,084,200	\$30,957,200	\$462,000	\$183,813,200
<b>State Highway (Local)</b>					
Fund	265,000	73,900			338,900
<b>State Highway (Federal)</b>					
Fund	15,914,400	5,357,200		21,035,600	42,307,200
<b>Federal COVID-19 Relief</b>					
Fund	<u>0</u>	<u>1,000,000</u>	<u>0</u>	<u>8,000,000</u>	<u>9,000,000</u>
<b>TOTAL</b>	<b>\$110,489,200</b>	<b>\$64,515,300</b>	<b>\$30,957,200</b>	<b>\$29,497,600</b>	<b>\$235,459,300</b>
<b>IV. CONTRACT CONSTRUCTION &amp; RIGHT-OF-WAY ACQUISITION:</b>					
<b>FROM:</b>					
<b>State Highway (Dedicated)</b>					
Fund		\$2,500,000	\$156,580,300	\$500,000	\$159,580,300
<b>State Highway (Local)</b>					
Fund		100,000	6,365,800	100,000	6,565,800
<b>Transportation Expansion and Congestion Mitigation</b>					
Fund			80,000,000		80,000,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>Strategic Initiatives Program</b>					
Fund			120,000,000		120,000,000
<b>Strategic Initiatives Program - Local</b>					
Fund				210,000,000	210,000,000
<b>State Highway (Federal)</b>					
Fund		8,000,000	329,929,600	1,500,000	339,429,600
TOTAL		\$10,600,000	\$692,875,700	\$212,100,000	\$915,575,700
GRAND TOTAL	\$149,249,500	\$111,044,000	\$749,146,700	\$242,897,600	\$1,252,337,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Transportation Department is authorized no more than one thousand six hundred forty-eight (1,648.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUSLY APPROPRIATED MONEYS. All moneys transferred to the Local Bridge Inspection Fund and to the Railroad Grade Crossing Protection Fund, as provided in Section 63-2412, Idaho Code, are hereby continuously appropriated to the Idaho Transportation Department for the stated purpose of those funds.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PROGRAM. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated to the Idaho Transportation Department from the State Highway Fund and the State Aeronautics (Dedicated) Fund in the Capital Facilities Program for fiscal year 2022 to be used for nonrecurring expenditures for the Capital Facilities Program for the period July 1, 2022, through June 30, 2023. 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 THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION DIVISION. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Transportation Department from the State Highway Fund, Strategic Initiatives Program Fund, and the Transportation Expansion and Congestion Mitigation Fund for the Contract Construction and Right-of-Way Acquisition Division for fiscal year 2022, in a total amount not to exceed \$250,000,000 from the State Highway Fund, Strategic Initiatives Program Fund, and/or the Transportation Expansion and Congestion Mitigation Fund to be used for nonrecurring expenditures for the Contract Construction and Right-of-Way Acquisition Division for the period July 1, 2022, through June 30, 2023. 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. REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS AND CAPITAL IMPROVEMENTS. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Transportation Department from the State Aeronautics Fund as trustee and benefit payments for airport development grants and up to \$1,500,000 from the State Aeronautics Fund for capital improvements for fiscal year 2022 to be used for nonrecurring expenditures related to airport development grants and capital improvements for the period July 1, 2022, through June 30, 2023. 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. BOND PAYMENT AUTHORIZATION. The federal GARVEE bond payment for fiscal year 2023 is approximately \$65,100,000. It is hereby appropriated and the Idaho Transportation Board is hereby authorized to transfer up to \$4,800,000 from within the State Highway (Dedicated) Fund to the GARVEE Debt Service Fund to pay the state match as required for federal funds committed to pay the annual scheduled debt service for fiscal year 2023.

SECTION 8. REPORTING REQUIREMENTS. The Division of Motor Vehicles shall provide a report to the Legislative Services Office Budget and Policy Analysis Division and the Division of Financial Management, which report shall include an update on the compatibility of all software within the Division of Motor Vehicles. Additionally, the report shall include suggestions on how to resolve incompatibilities, including solutions that would allow the use of a single username and password for all Division of Motor Vehicle online transactions. The format of the report and the information included therein shall be determined by the Legislative Services Office Budget and Policy Analysis Division, and the report shall be submitted prior to October 1, 2022.

SECTION 9. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$120,000,000 from the General Fund to the Strategic Initiatives Program (Dedicated) Fund on July 1, 2022, or as soon thereafter as practicable, for the period July 1, 2022, through June 30, 2023.

SECTION 10. CASH TRANSFER. There is hereby appropriated and the Office of the State Controller shall transfer \$80,000,000 from the General Fund to the Local Highway Distribution Fund on July 1, 2022, or as soon thereafter as practicable, for the period July 1, 2022, through June 30, 2023.

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, 2022.

Approved March 23, 2022

CHAPTER 157  
(H.B. No. 697)

AN ACT

RELATING TO GOLD STAR LICENSE PLATES; AMENDING SECTION 49-403B, IDAHO CODE, TO REMOVE A DEFINITION, TO REVISE DEFINITIONS, TO REVISE A PROVISION REGARDING RULEMAKING, TO REVISE A PROVISION REGARDING A FEE EXEMPTION, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-403B, Idaho Code, be, and the same is hereby amended to read as follows:

49-403B. GOLD STAR -- LICENSE PLATES. (1) In this section:

(a) ~~"Combat zone" means those locations involving a "period of war" as defined in 38 U.S.C. section 101(11) and such other locations and times as the division of veterans services may define by rule.~~

~~(b) "Qualifying cause of death" means a death of a person due to hostile action while serving in the armed forces of the United States on active duty in a combat zone as the division of veterans services may define by rule.~~

(eb) "Qualifying family member" means the a surviving spouse, parent, stepparent, child, stepchild, sibling, half-sibling, stepsibling, grandparent, or legal guardian of:

(i) Of a person who died due to a qualifying cause of death; or

(ii) Who has been awarded a gold star lapel pin.

(2) Qualifying family members are eligible to apply for gold star license plates. As proof of eligibility, the applicant shall furnish to the department a statement from the division of veterans services certifying eligibility.

(3) The division of veterans services shall establish by rule the requirements for receipt of a certificate of eligibility, including proof of qualifying familial relationship to the deceased service member, and the death of the service member due to a qualifying cause of death, or proof of having been awarded a gold star lapel pin.

(4) No special plate program fee shall be charged in addition to regular registration or renewal of registration of a motor vehicle owned by the spouse, parent, or stepparent of a service member who was killed during active military service in a combat zone and receiving receives gold star license plates.

(5) A qualifying family member who is not the spouse, parent, or stepparent shall be charged the regular registration fee and plate fee required in section 49-450, Idaho Code, and an additional fee of thirty-five dollars (\$35.00) for the initial issuance of plates and twenty-five dollars (\$25.00) upon each succeeding annual registration. Ten dollars (\$10.00) of the initial fee and ten dollars (\$10.00) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this gold star license plate program. Twenty-five dollars (\$25.00) of each initial fee and fifteen dollars (\$15.00) of each renewal fee shall be deposited in the veterans support fund, section 65-209, Idaho Code, and shall be used to defray the costs of administration of the eligibility certification program and to provide programs to support veterans.

(6) Gold star license plates shall be used only on a motor vehicle owned by the qualifying family member.



(7) Whenever title or interest in a motor vehicle registered under this section is transferred or assigned, the registration shall expire, but the qualifying family member may transfer the gold star license plates to another motor vehicle upon payment of the required transfer fees. The qualifying family member may only display the gold star license plates only after receipt of new registration from the department.

(8) A qualifying family member shall not register more than two (2) motor vehicles under this section. This section shall not apply to any motor vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds, nor to any vehicle registered under section 49-434(5), Idaho Code.

(9) Gold star license plates may be retained and displayed on motor vehicles owned by the surviving spouse of a qualifying family member. In addition, the surviving spouse is eligible to reapply for and shall be issued gold star license plates if the deceased qualifying family member died on or after January 1 of the five (5) years preceding the date of reapplication for the gold star license plates. Such plates shall be used only on a motor vehicle owned by the surviving spouse of the qualifying family member.

(10) The gold star license plates shall be of a color and design acceptable to the veterans affairs commission and approved by the department, utilizing a numbering system as determined by the department. Gold star license plates shall not be subject to discontinuance pursuant to section 49-402C(6), 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 July 1, 2022.

Approved March 23, 2022

CHAPTER 158  
(H.B. No. 685)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-4605, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POSTSECONDARY CREDIT SCHOLARSHIP; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-4605, Idaho Code, be, and the same is hereby amended to read as follows:

33-4605. POSTSECONDARY CREDIT SCHOLARSHIP. (1) Subject to the provisions of subsections (2), (3) and (4) of this section, beginning with the spring 2016 graduating class:

(a) Any student who has earned at least ten (10) postsecondary semester credits upon graduation from an accredited high school in Idaho, or its equivalent, shall be entitled to a postsecondary credit scholarship in ~~the~~ an amount of up to two thousand dollars (\$2,000) that shall be used for tuition and fees at any eligible institution.

(b) Any student who has earned at least twenty (20) postsecondary semester credits upon graduation from an accredited high school in Idaho, or its equivalent, shall be entitled to a postsecondary credit scholarship in ~~the~~ an amount of up to four thousand dollars (\$4,000) that shall be used for tuition and fees at any eligible institution.

(c) Any student who has earned an associate degree from an accredited institution upon graduation from an accredited high school in Idaho, or its equivalent, shall be entitled to a postsecondary credit scholarship in the amount of eight thousand dollars (\$8,000) that shall be used for tuition and fees at any eligible institution.

(2) For subsection (1)(a) and (b) of this section, the award amount shall be limited by the number of credits accepted by the eligible institution where the scholarship is to be applied. For subsection (1)(a) through (c) of this section, the awards shall be annual awards and one-quarter (1/4) of the scholarship amount the student is entitled to shall be distributed in each semester of full-time attendance until the total scholarship is expended or expires.

(3) In order to be eligible for a full postsecondary credit scholarship set forth in subsection (1) of this section:

(a) The student must be awarded a postsecondary merit-based matching scholarship in an amount at least equal to the postsecondary credit scholarship amount awarded in the same school year, provided that the matching funds for each scholarship must come from a business or industry, or entities representing business or industry, and may not be from appropriated or nonappropriated funds of the postsecondary institution or from a foundation affiliated with the postsecondary institution, unless the funds were donated to the postsecondary institution specifically as a match for the postsecondary credit scholarship program;

(b) The student must have graduated from an accredited high school in Idaho, or its equivalent; and

(c) Except for the first semester in which the postsecondary credit scholarship amount is distributed, in order to receive the scholarship distribution in a given semester, the student must have successfully passed earned at least twelve (12) credits during the immediately preceding semester in which the scholarship was distributed.

(4) Eligible students will be awarded the postsecondary credit scholarship based on grade point average rank subject to annual legislative appropriation.

(5) A student shall use the postsecondary credit scholarship within four (4) years of his or her high school graduation date, at which time the scholarship shall expire and may no longer be used.

(6) A student is entitled to only one (1) of the postsecondary credit scholarships amounts set forth in subsection (1) of this section.

(7) If a student has been awarded scholarships that pay for one hundred percent (100%) of the cost of tuition and fees, then part or all of the remaining postsecondary credit scholarship moneys may be used for room and board at the discretion of the eligible institution where the student will attend.

(8) This section shall be funded from the advanced opportunities program within the educational support program. The state department of education shall pass through to the office of the state board of education the necessary amount for distribution not to exceed one million dollars (\$1,000,000) in fiscal year 2017, and not to exceed two million dollars (\$2,000,000) in fiscal year 2018<sup>7</sup> and every fiscal year thereafter.

(9) No later than January 15 of each year, the state board of education shall report to the senate and the house of representatives education committees the number of scholarships awarded pursuant to this section during the previous school year. The report shall include the total amount of moneys distributed for the scholarships.

(10) For the purposes of this section, "eligible institution" has the same meaning as provided in section 33-4303(2)(b), Idaho Code.

~~(11) As used in this section, "merit-based scholarship" means a scholarship in which academic achievement at the high school level is a minimum eligibility requirement and awards are made based on the achievement of the student. Matching business or industry scholarships must be competitively awarded, must be available to all eligible students, and may not be awarded by a relative or a business owned or administered by a relative. As used in this section, "relative" shall mean any person related to the student by blood or marriage within the second degree of affinity or consanguinity.~~

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, 2022.

Approved March 23, 2022

CHAPTER 159  
(S.B. No. 1240)

AN ACT

RELATING TO RESTRICTIVE COVENANTS; AMENDING CHAPTER 6, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-616, IDAHO CODE, TO PROVIDE FOR THE PROHIBITION AND REMOVAL OF RESTRICTIVE COVENANTS FOR REAL PROPERTY; AMENDING CHAPTER 8, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-820, IDAHO CODE, TO PROVIDE FOR THE PROHIBITION AND REMOVAL OF RESTRICTIVE COVENANTS FOR REAL PROPERTY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-616, Idaho Code, and to read as follows:

55-616. PROHIBITION AND REMOVAL OF RESTRICTIVE COVENANTS. (1) Every provision in a written instrument relating to real property that purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals because of race, color, ethnicity, or national origin and every condition, restriction, or prohibition, including a right of entry or possibility of reverter, that directly or indirectly limits the use or occupancy of real property on the basis of race, color, ethnicity, or national origin is void.

(2) It shall be unlawful to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

(3) The owner or tenant of property subject to a written instrument that contains a provision that is void pursuant to subsection (1) of this section may record a restrictive covenant modification document with the county clerk in the county in which the property is located. Such modification document shall be a standard form developed and designed by the county clerk. Each county clerk shall make available in the county clerk's office instructions on how to record a restrictive covenant modification document and shall provide such instructions on the county website, if applicable.

(4) The modification document shall contain a recording reference to the original written instrument and a legal description of the property, and the owner or tenant who causes to be recorded a modification document shall clearly state the person's name on the modification document and shall execute the modification document prior to recordation. Except for a modification regarding a provision that is void pursuant to subsection (1) of this section, no other modifications shall be allowed on a restrictive covenant modification form.

(5) The modification document must state, in part: "The referenced original written instrument contains discriminatory provisions that are void and unenforceable under Section 55-616, Idaho Code, and federal law. This document strikes from the referenced original instrument all provisions based on race, color, ethnicity, or national origin that are void and unenforceable under law."

(6) The effective date of the modification document shall be effective as of the date of the original document and shall supersede the discriminatory language in the original written instrument.

(7) If the owner or tenant causes to be recorded a modification document that contains modifications not authorized by this section, the county clerk shall not incur liability for recording the document. Any liability that may result is the sole responsibility of an owner or tenant who willfully causes the recordation with modifications not authorized by this section.

(8) No filing or recording fees or otherwise authorized surcharges shall be required for the filing of a modification document pursuant to this section.

(9) Nothing in this section shall affect the provisions of section 67-5909(10), Idaho Code.

SECTION 2. That Chapter 8, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-820, Idaho Code, and to read as follows:

55-820. PROHIBITION AND REMOVAL OF RESTRICTIVE COVENANTS. No deed recorded on or after July 1, 2022, shall contain a reference to a restrictive covenant prohibited by section 55-616(1), Idaho Code. A county clerk may refuse to accept any deed submitted for recordation that references any such restrictive covenant. The person who prepares or submits a deed for recordation has the responsibility for ensuring that such a restrictive covenant is not referenced in the deed prior to such deed being submitted for recordation. Any deed that is recorded in the land records on or after July 1, 2022, that mistakenly contains such a restrictive covenant shall nevertheless constitute a valid transfer of real property but without any effect given to the prohibited language.

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, 2022.

Approved March 23, 2022

CHAPTER 160  
(H.B. No. 611)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-5504, IDAHO CODE, TO SPECIFY REQUIREMENTS FOR CERTAIN REINSURANCE CLAIMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 41-5504, Idaho Code, be, and the same is hereby amended to read as follows:

41-5504. POWERS AND AUTHORITY. (1) The pool shall have the general powers and authority granted under the laws of this state to insurance companies and managed care organizations licensed to transact business, except the power to issue health benefit plans directly to individuals. In addition thereto, the pool shall have the specific authority to:

(a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter, including the authority, with the approval of the director, to enter into contracts with similar programs of other states for the joint performance of common functions or with persons or other organizations for the performance of administrative functions;

(b) Sue or be sued, including taking any legal actions necessary or proper to recover any assessments and penalties for, on behalf of, or against the pool or any carrier;

(c) Define the high risk medical conditions for which reinsurance will be provided, and to issue reinsurance policies, in accordance with the requirements of this chapter;

(d) Establish rules, conditions and procedures for reinsuring risks under the pool;

(e) Establish actuarial functions as appropriate for the operation of the pool;

(f) Assess carriers in accordance with the provisions of section 41-5508, Idaho Code, and make advance interim assessments of carriers as may be reasonable and necessary for organizational and interim operating expenses. Any interim assessments shall be credited as offsets against any regular assessments due following the close of the fiscal year;

(g) Appoint appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the pool, policy and other contract design, and any other function within the authority of the pool;

(h) Borrow money to effect the purposes of the pool. Any notes or other evidence of indebtedness of the pool not in default shall be legal investments for carriers and may be carried as admitted assets;

(i) Establish rules, policies and procedures as may be necessary or convenient for the implementation of this chapter and the operation of the pool.

(2) Neither the board nor its employees shall be liable for any obligations of the pool. No member or employee of the board shall be liable, and no cause of action of any nature may arise against them, for any act or omission related to the performance of their powers and duties under this chapter, unless such act or omission constitutes willful or wanton misconduct. The board may provide for indemnification of, and legal representation for, its members and employees.

(3) No participation of a reinsuring carrier in the pool, no establishment of rates, forms or procedures, and no other joint or collective action required under the provisions of this chapter shall be grounds for any legal action, criminal or civil liability, or penalty against the pool or any of its reinsuring carriers either jointly or separately.

(4) The pool shall have no authority to provide reinsurance for any claims incurred after December 31, 2022, unless the following conditions are met:

(a) The state develops an application for a waiver for state innovation pursuant to 42 U.S.C. 18052 of the federal patient protection and affordable care act that facilitates the resumption of operations of the pool in a manner that minimizes the loss of federal funding to support the affordability of health insurance in the state;

(b) After proper public comment periods and consultation with interested parties, including the pool board, and the approval of the governor, the waiver application is submitted to the secretary of the United States department of health and human services and to the secretary of the United States department of the treasury; and

(c) The waiver application is approved.

(5) The director shall have the authority as necessary or proper to develop, apply for, and upon approval implement an innovation waiver under 42 U.S.C. 18052 of the federal patient protection and affordable care act, including authorizing the pool to perform activities necessary for its implementation.

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, 2022.

Approved March 23, 2022

CHAPTER 161  
(H.B. No. 744)

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING CHAPTER 5, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-509B, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR THE DONATION OF LIQUOR FOR BENEVOLENT, CHARITABLE, OR PUBLIC PURPOSES, TO REQUIRE A PERMIT IN CERTAIN INSTANCES, AND TO PROVIDE CERTAIN REQUIREMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 5, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-509B, Idaho Code, and to read as follows:

23-509B. DONATIONS FOR BENEVOLENT, CHARITABLE, OR PUBLIC PURPOSES -- PERMIT REQUIRED. (1) As used in this section:

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

(b) "Event" means an event held for benevolent, charitable, or public purposes where all proceeds from the event, after deducting reasonable expenses, must be donated for a benevolent, charitable, or public purpose.

(c) "Licensee" is as defined in section 23-902, Idaho Code.

(d) "Liquor producer" means any liquor manufacturer, producer, or supplier or a representative of a manufacturer, producer, or supplier.

(e) "Person" is as defined in section 23-902, Idaho Code, and who has not been issued a license in this state for the sale of alcoholic beverages.

(2) Notwithstanding the provisions of section 23-509, Idaho Code, any liquor producer may donate packaged, unopened, and sealed liquor to a person for an event as provided in this section. Any liquor donated under this section must have been acquired from the state liquor division.

(3) To sell or dispense packaged, unopened, and sealed liquor, a person must apply for a permit from the alcohol beverage control bureau. The director may issue the permit. All proceeds from the sale, after deducting reasonable expenses, must be donated for a benevolent, charitable, or public purpose.

(4) The director shall prescribe the form of application, pursuant to his duties in section 23-932, Idaho Code. Such form of application shall be substantially similar to the form described in section 23-1336, Idaho Code, and may include any other information the director deems necessary.

(5) A licensee may, on behalf of a person granted a permit under this section, receive and store liquor to be used at the event and may dispense such liquor to attendees of the event for which the permit was issued. The licensee must act in accordance with any applicable provisions of this title.

(6) The director may suspend, revoke, or refuse to renew a license for any violation of or failure to comply with the provisions of chapter 9, title 23, Idaho Code. Procedures for the suspension, revocation, or refusal to grant or renew licenses shall be in accordance with the provisions of chapter 52, title 67, Idaho Code.

(7) If a permittee fails to comply with permit requirements, the director may revoke existing permits or deny future permits under this section until the permittee cures the failure.

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, 2022.

Approved March 23, 2022

CHAPTER 162  
(H.B. No. 678)

AN ACT

RELATING TO THE IDAHO SEMICONDUCTORS FOR AMERICA ACT; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622WW, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A SALES AND USE TAX EXEMPTION FOR QUALIFYING PROJECTS RELATING TO SEMICONDUCTOR FABRICATION, ASSEMBLY, TESTING, ADVANCED PACKAGING, AND RESEARCH AND DEVELOPMENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 36, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3622WW, Idaho Code, and to read as follows:

63-3622WW. IDAHO SEMICONDUCTORS FOR AMERICA ACT. (1) This section shall be known and may be cited as the "Idaho Semiconductors for America Act."

(2) It is the intent of the legislature that the Idaho semiconductors for America act will meet all criteria set forth in federal law and program guidelines from the United States department of commerce or other delegated agency of the federal government to implement the domestic fabrication, assembly, testing, advanced packaging, or research and development of semiconductors to mitigate domestic supply chain risks, increase economic competitiveness, protect intellectual property, and decrease national security risks.

(3) On and after July 1, 2022, there is exempted from the taxes imposed by this chapter the purchase or use of construction and building materials directly used for a qualifying purpose by a qualifying covered entity for a qualifying project in Idaho during the project term. To qualify for the exemption in this section, an applicant must submit a project outline to the Idaho department of commerce on or before December 31, 2026. Modifications to an approved qualifying project outline must be submitted to the Idaho department of commerce on or before December 31, 2040.

(4) As used in this section:

(a) "Construction and building materials" means materials and supplies permanently installed or placed in or on a qualifying project. The term does not mean equipment, tools, and supplies used to construct or build the project.

(b) "Covered contractor" means any contractor, including subcontractors, that incurs costs and taxes from work done for a qualifying covered entity for a qualifying project.

(c) "Covered entity" means a private entity, a consortium of private entities, or a consortium of public and private entities with a demonstrated ability to engage in a qualifying project.

(d) "Project term" means the time period beginning on July 1, 2022, and ending upon the completion of the construction of the qualifying project, but no later than December 31, 2040.

(e) "Qualifying covered entity" means a covered entity that submits a qualifying project outline to the Idaho department of commerce that:



(i) Qualifies for a new, meaningful semiconductor incentive offered by the federal government for the purpose of implementing the domestic fabrication, assembly, testing, advanced packaging, or research and development of semiconductors to mitigate domestic supply chain risks, increase economic competitiveness, protect intellectual property, decrease national security risks, and any other reasons deemed necessary by the federal government. Meaningful incentives by the federal government include but are not limited to funding the CHIPS for America act, 15 U.S.C. 4651 through 4658, or providing and funding other such semiconductor investment tax credits; and

(ii) Qualifies for a meaningful incentive from the state of Idaho for a qualifying project for a qualifying purpose. Examples of meaningful incentives from the state of Idaho include but are not limited to the Idaho reimbursement incentive act, sections 67-4737 through 67-4744, Idaho Code; the Idaho small employer incentive act of 2005, chapter 44, title 63, Idaho Code; and the Idaho new capital investments incentives act of 2008, chapter 45, title 63, Idaho Code.

(f) "Qualifying project" means a new project for a qualified purpose by a covered entity.

(g) "Qualifying project outline" means a document submitted by a qualified covered entity to the Idaho department of commerce describing a new semiconductor project in Idaho that meets the definitions of a qualifying project in this section.

(h) "Qualifying purpose" means activities conducted in Idaho to construct, expand, or modernize a facility for the fabrication, assembly, testing, advanced packaging, or research and development of semiconductors, including a facility used primarily for qualified research for such purposes based on the criteria in section 41 of the Internal Revenue Code, including:

(i) A facility built for purposes of discovering information used for semiconductor fabrication, assembly, testing, or advanced packaging;

(ii) A technological facility built for semiconductor fabrication, assembly, testing, or advanced packaging;

(iii) A facility that is intended to be useful in the development of a new or improved business component of the qualifying covered entity used in semiconductor fabrication, assembly, testing, or advanced packaging; or

(iv) A facility where substantially all of the activities occurring at or in it constitute elements of a process of experimentation for semiconductor fabrication, assembly, testing, or advanced packaging for a purpose described in 26 U.S.C. 41(d)(3).

(5) The provisions of this section are contingent on the enactment and funding of a federal law providing a new and meaningful federal semiconductor incentive by December 31, 2026. If no such incentive is enacted and funded on or before December 31, 2026, no project or covered entity may qualify for an exemption under this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 163  
(H.B. No. 766)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE CAPITOL MAINTENANCE RESERVE FUND TO THE CAPITOL COMMISSION OPERATING FUND; 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. There is hereby appropriated to the Department of Administration for the Idaho State Capitol Commission the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
Capitol Commission Operating			
Fund	\$142,000		\$142,000
Capitol Maintenance Reserve			
Fund	0	\$2,200,000	2,200,000
TOTAL	\$142,000	\$2,200,000	\$2,342,000

SECTION 2. CASH TRANSFER. There is hereby appropriated to the Department of Administration for the Idaho State Capitol Commission and the Office of the State Controller shall transfer \$250,000 from the Capitol Maintenance Reserve Fund to the Capitol Commission Operating Fund on July 1, 2022, or as soon thereafter as practicable, for the period July 1, 2022, through June 30, 2023.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Administration for the Idaho State Capitol Commission any unexpended and unencumbered balances appropriated to the Department of Administration for the Idaho State Capitol Commission from the Capitol Commission Operating Fund and the Capitol Maintenance Reserve Fund for fiscal year 2022 to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. 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, this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 164  
(H.B. No. 742)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF FINANCIAL MANAGEMENT; APPROPRIATING MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY; AMENDING SECTION 2, CHAPTER 16, LAWS OF 2021, TO PROVIDE SUBGRANTING AUTHORITY FOR EMERGENCY RENTAL ASSISTANCE TO THE IDAHO HOUSING AND FINANCE ASSOCIATION; PROVIDING REQUIREMENTS FOR EMERGENCY RENTAL ASSISTANCE; PROVIDING FOR AN ADDITIONAL FULL-TIME EQUIVALENT POSITION FOR FISCAL YEAR 2022; REDUCING 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; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Division of Financial Management the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$1,879,100	\$202,300		\$2,081,400
Miscellaneous Revenue				
Fund	43,500	32,100		75,600
Administrative Code				
Fund	414,100	180,500		594,600
American Rescue Plan				
Fund			\$13,135,600	13,135,600
ARPA Homeowner Assistance				
Fund			14,387,100	14,387,100
ARPA Emergency Rental Assistance				
Fund			38,000,000	38,000,000
ARPA State Fiscal Recovery				
Fund	<u>81,200</u>	<u>1,000,000</u>	<u>0</u>	<u>1,081,200</u>
TOTAL	\$2,417,900	\$1,414,900	\$65,522,700	\$69,355,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Financial Management is authorized no more than twenty (20.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, 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 Division of Financial Management any unexpended and unencumbered balances appropriated to the Division of Financial Management from the American Rescue Plan Act (ARPA) State Fiscal Recovery Fund for fiscal year 2022, in an amount not to exceed \$33,000,000 from the American Rescue Plan Act (ARPA) State Fiscal Recovery Fund, to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. 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. That Section 2, Chapter 16, Laws of 2021, be, and the same is hereby amended to read as follows:

SECTION 2. EMERGENCY RENTAL ASSISTANCE. The Executive Office of the Governor shall allocate emergency rental assistance funding to the Idaho Housing and Finance Association to be distributed to eligible recipients in compliance with federal requirements and guidelines. Funding shall be allocated to the association on an as-needed basis in increments not to exceed ~~\$10,000,000~~ \$15,000,000. ~~The association, notwithstanding any other provision of law to the contrary, shall not process applications in any city or county may, as part of the efficient administration of resources, subgrant to any local entity that received direct federal funding from Section 501 of Division N of the Consolidated Appropriations Act, 2021, P.L. 116-260 until provided the association verifies that there is no duplication of benefit for the applicant. The association shall not process applications until the association verifies that there is no duplication of benefit for the applicant.~~ The Executive Office of the Governor shall require monthly reporting by the association to the Joint Finance-Appropriations Committee and the Legislative Services Office by the fifth business day of each month. The Executive Office of the Governor shall also require the association to be audited by an independent firm skilled in auditing federal funding programs.

SECTION 5. EMERGENCY RENTAL ASSISTANCE. The Division of Financial Management shall allocate emergency rental assistance funding to the Idaho Housing and Finance Association to be distributed to eligible recipients in compliance with federal requirements and guidelines. Funding shall be allocated to the association on an as-needed basis in increments not to exceed \$15,000,000. The association may, as part of the efficient administration of resources, subgrant to any local entity that received direct federal funding from Section 501 of Division N of the Consolidated Appropriations Act, 2021, P.L. 116-260 provided the association verifies that there is no duplication of benefit for the applicant. The association shall not process applications until the association verifies that there is no duplication of benefit for the applicant. The Division of Financial Management shall require monthly reporting by the association to the Joint Finance-Appropriations Committee and the Legislative Services Office by the fifth business day of each month. The Division of Financial Management shall also require the association to be audited by an independent firm skilled in auditing federal funding programs.

SECTION 6. FTP AUTHORIZATION. In addition to the authorization provided in Section 2, Chapter 298, Laws of 2021, the full-time equivalent position authorization provided to the Division of Financial Management is hereby increased by one (1.00) for the period July 1, 2021, through June 30, 2022.

SECTION 7. Notwithstanding any other law to the contrary, the appropriation to the Division of Financial Management in Section 1, Chapter 341, Laws of 2021, from the American Rescue Plan Fund is hereby reduced by \$26,800 for operating expenditures for the period July 1, 2021, through June 30, 2022.

SECTION 8. In addition to the appropriation made in Section 1, Chapter 341, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Division of Financial Management \$26,800 from the American Rescue Plan Fund to be expended for personnel costs for the period July 1, 2021, through June 30, 2022, for the purpose of hiring an ARPA reporting and compliance position.

SECTION 9. In addition to the appropriation made in Section 1, Chapter 298, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Division of Financial Management \$450,000 from the General Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the purpose of procuring a contract to study cost containment strategies for the Department of Health and Welfare's Division of Medicaid.

SECTION 10. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Financial Management any unexpended and unencumbered balances appropriated to the Division of Financial Management from the General Fund for the cost of procuring Medicaid consultants for fiscal year 2022, in an amount not to exceed \$450,000 from the General Fund, to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. 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 11. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 23, 2022

CHAPTER 165  
(H.B. No. 729)

AN ACT

RELATING TO THE STATE CONTROLLER; AMENDING SECTION 67-1021A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INDIRECT COST RECOVERY FUND; AMENDING SECTION 67-1021C, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE BUSINESS INFORMATION INFRASTRUCTURE FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-1021A, Idaho Code, be, and the same is hereby amended to read as follows:

67-1021A. BUSINESS INFORMATION INFRASTRUCTURE PROJECT. (1) Notwithstanding any laws to the contrary, the state controller shall engage in a project to modernize and replace the state's aging business information infrastructure, including its financial, payroll, human capital management, budget and procurement systems. The purpose of the project shall be to modernize the state's business information infrastructure and to consolidate duplicative business systems into a centralized enterprise resource plan-

ning system in order to achieve standardized business practices and greater transparency in the state's data.

(2) The cost of modernizing the state's business information infrastructure shall be equitably distributed among and between all state and public entities that use the services and functions outlined in subsection (1) of this section. On or before June 30 of each year from the effective date of this act until and including June 30, 2022~~3~~, all moneys deposited to the indirect cost recovery fund resulting from the assessment of the amounts allocated in the annual statewide indirect cost allocation plan pursuant to section 67-3531, Idaho Code, shall be transferred to the business information infrastructure fund established in section 67-1021C, Idaho Code. Transfers under this section shall occur as requested by the state controller and no later than June 30 of each year.

SECTION 2. That Section 67-1021C, Idaho Code, be, and the same is hereby amended to read as follows:

67-1021C. BUSINESS INFORMATION INFRASTRUCTURE FUND. There is hereby created in the state treasury a fund to be known as the business information infrastructure fund, which shall consist of all moneys credited or transferred in accordance with section 67-1021A, Idaho Code, and any other moneys appropriated or transferred in accordance with law. The fund is hereby continuously appropriated to the state controller until June 30, 2025, for the purposes of procurement, and implementation, and sustainment of a statewide enterprise resource planning system, including, but not necessarily limited to, financial, payroll, budget, human capital management and procurement systems. All interest earned on the investment of idle moneys in the fund shall be returned to the fund. All moneys in the fund shall be used for the procurement, and implementation, and sustainment of the system as set forth in this section. ~~Any unexpended moneys remaining after June 30, 2023, shall revert to the general fund.~~

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after June 1, 2022.

Approved March 23, 2022

CHAPTER 166  
(H.B. No. 726)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS FOR THE IMPLEMENTATION OF EMPLOYEE COMPENSATION; 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 Division of Human Resources the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund		\$1,250,000	\$1,250,000
Division of Human Resources			
Fund	\$2,394,300	1,027,000	3,421,300
TOTAL	\$2,394,300	\$2,277,000	\$4,671,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Human Resources is authorized no more than twenty-two (22.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. In accordance with Chapter 53, Title 67, Idaho Code, the Division of Human Resources shall shift the salary structure upward by three percent (3%) beginning on July 1, 2022, with the exception of the minimum wage of \$7.25 per hour at pay grade D, to provide a three percent (3%) salary increase to all permanent positions. The division shall also maintain the job classifications currently on payline exception. Each agency is appropriated \$1.25 per hour for permanent employees to be distributed based on merit with the flexibility for agency heads and institution presidents to distribute funds for recruitment and retention purposes in hard-to-fill, hard-to-retain positions.

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, 2022.

Approved March 23, 2022

CHAPTER 167  
(H.B. No. 710)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2022; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; 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 155, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Division of Human Resources the following amounts to be expended according to the designated expense classes from the Division of Human Resources Fund for the period July 1, 2021, through June 30, 2022:

FOR:

Personnel Costs	\$193,200
Capital Outlay	<u>25,400</u>
TOTAL	\$218,600

SECTION 2. FTP AUTHORIZATION. In addition to the authorization provided in Section 2, Chapter 155, Laws of 2021, the full-time equivalent position authorization provided to the Division of Human Resources is hereby increased by five (5.00) for the period July 1, 2021, through June 30, 2022.

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

Approved March 23, 2022

CHAPTER 168  
(S.B. No. 1355)

AN ACT

RELATING TO COMMERCIAL TRANSACTIONS; AMENDING CHAPTER 45, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-45-110, IDAHO CODE, TO PROVIDE APPLICABILITY, TO PROVIDE NOTICE REQUIREMENTS IN CERTAIN INSTANCES, AND TO PROVIDE THAT THE RIGHTS OF A CREDITOR SHALL NOT BE INVALIDATED, ALTERED, OR IMPAIRED IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 45, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-45-110, Idaho Code, and to read as follows:



28-45-110. RESTRICTION ON ACTIONS ARISING FROM A REGULATED CREDIT TRANSACTION PRIMARILY SECURED BY A MORTGAGE OR DEED OF TRUST ON RESIDENTIAL REAL PROPERTY. (1) The provisions of this section shall apply to a regulated credit transaction made on or after July 1, 2022, that is secured by a subordinate lien on real property that is improved with a residence consisting of one (1) to four (4) family dwelling units, one (1) of which the owner occupies as the owner's principal place of residency.

(2) If a senior mortgage or other senior secured interest on the real property is foreclosed and a consumer is in default under the terms of an existing obligation as described in subsection (1) of this section:

(a) Within ninety (90) days after the date of a foreclosure sale, a creditor or assignee of a lien described in subsection (1) of this section must send to the consumer's last known address written notice to the consumer of the consumer's liability under the outstanding regulated credit transaction. A notice required under this paragraph must include the following statement:

"Your liability under this account is subject to a statute of limitations, which may bar recovery after a date certain. This notification is not intended to provide legal advice, and you should seek your own legal counsel to determine your rights and obligations."; and

(b) Upon sale or assignment of an account subject to the notice requirement in paragraph (a) of this subsection, a creditor or assignee must send written notice to the consumer, at the consumer's last known address, notifying the consumer of his obligation under the outstanding regulated credit transaction. A notice delivered under this paragraph must contain the statement required in paragraph (a) of this subsection.

(3) The failure to provide the notification required by subsection (2) of this section shall not invalidate or otherwise alter or impair a creditor's right to attempt to collect the obligation owed by the consumer.

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, 2022.

Approved March 23, 2022

CHAPTER 169  
(H.B. No. 731)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1802, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 18, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1811, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTAIN DYSLEXIA INTERVENTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1802, Idaho Code, be, and the same is hereby amended to read as follows:

33-1802. DEFINITIONS. As used in this chapter:

(1) "Dyslexia" means a specific learning challenge that is neurological in origin. It is characterized by difficulties with accurate or fluent, or both, word recognition and by poor spelling and decoding abilities, which typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.

(2) "Dyslexia screening tools" means assessments in the areas of phonological awareness skills, phonemic decoding efficiency, rapid automatic naming skills, encoding ability, and sight word reading efficiency skills in order to identify students that demonstrate characteristics of dyslexia or other reading difficulties.

(3) "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.

(24) "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.

(35) "Statewide reading assessment" means the state board of education-approved assessment for facilitating continuous improvement, tailoring student-level instruction, and providing summative results.

SECTION 2. That Chapter 18, 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 33-1811, Idaho Code, and to read as follows:

33-1811. DYSLEXIA. (1) The state department of education shall identify reliable, valid, evidence-based screening tools and intervention practices to evaluate the literacy skills of students enrolled in kindergarten through grade 5 for characteristics of dyslexia and shall provide professional development in multisensory-structured literacy approaches.

(2) Starting in the 2022-2023 school year, and each year thereafter, the state department of education will administer a statewide tier 1 dyslexia screening measure for identifying students with characteristics of dyslexia in kindergarten through grade 3. The fall administration of the statewide reading assessment shall be used as the tier 1 screening measure for students in kindergarten through grade 3. The state department of education shall support local education agencies in implementing tier 1 screeners for students in grades 4 and 5. A local education agency must administer a tier 2 dyslexia diagnostic measure to students in kindergarten through grade 5 who have been identified as having characteristics of dyslexia based on the tier 1 screening measure or who have been identified by their classroom teacher or at the request of the student's parent or guardian. All parents or guardians of students identified with characteristics of dyslexia shall be notified and provided with the local education agency's options for school interventions.

(3) Local education agencies shall provide evidence-based interventions in alignment with the Idaho comprehensive literacy plan and the state dyslexia handbook for any students identified with characteristics of dyslexia. The state department of education will provide technical assistance by:

(a) Providing local education agencies with guidance and resources for general education teachers and school teams to identify characteristics of dyslexia and to provide intervention and remediation to students;

(b) Identifying reliable, valid, and evidence-based tools and multi-sensory-structured literacy approaches for students in kindergarten through grade 5 that have been identified with characteristics of dyslexia;

(c) Identifying reliable, valid, and evidence-based tier 2 screening and diagnostic measures for use by local education agencies; and

(d) Developing reporting mechanisms for local education agencies to submit information and required data as determined by the state board of education for evaluating the effectiveness of the intervention programs.

(4) The state department of education shall maintain a list of courses that fulfill the professional development requirements prescribed in this section. The list may consist of online or classroom learning models. Each identified course must align with the Idaho comprehensive literacy plan and the state dyslexia handbook. Such courses must be multisensory-structured literacy professional development for teachers in evidence-based dyslexia screening and intervention practices for identifying characteristics of dyslexia and understanding the pedagogy for instructing students with dyslexia.

(a) No later than the beginning of the 2023-2024 school year, each instructional staff member and instructional coach employed by a local education agency involved in the instruction of students in kindergarten through grade 5, including those providing special education instruction, shall be required to have received professional development specific to providing instruction and intervention to students with characteristics of dyslexia.

(b) No later than the beginning of the 2023-2024 school year, all teachers, administrators and school counselors with an instructional certificate in grades 6 through 12 shall be required to have received professional development on the characteristics of dyslexia.

(c) No later than the beginning of the 2025-2026 school year, all Idaho teachers or administrators with an all subjects (K-8) endorsement, exceptional child generalist endorsement, blended early childhood/early childhood special education endorsement, administrator certificate, or school counselor certificate serving students in kindergarten through grade 5 will be required to earn one (1) or more credits of professional development identifying characteristics of dyslexia and understanding the pedagogy for instructing students with dyslexia and providing dyslexia-focused interventions to recertify.

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, 2022.

Approved March 23, 2022

CHAPTER 170  
(S.B. No. 1404)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2022; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2022; PROVIDING FOR ADMINISTRATIVE STAFF BONUSES; PROVIDING FOR INSTRUCTIONAL AND PUPIL SERVICE STAFF BONUSES; PROVIDING FOR CLASSIFIED STAFF BONUSES; PROVIDING FOR ALLOCATION REPORTS AND CORRECTIONS; 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 3, Chapter 312, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program for the Division of Administrators \$1,506,400 from the ARPA State Fiscal Recovery Fund for the period July 1, 2021, through June 30, 2022.

SECTION 2. In addition to the appropriation made in Section 3, Chapter 345, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program for the Division of Teachers \$23,075,900 from the ARPA State Fiscal Recovery Fund for the period July 1, 2021, through June 30, 2022.

SECTION 3. In addition to the appropriation made in Section 3, Chapter 338, Laws of 2021, and any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program for the Division of Operations \$12,123,500 from the ARPA State Fiscal Recovery Fund for the period July 1, 2021, through June 30, 2022.

SECTION 4. ADMINISTRATIVE STAFF BONUSES. Of the moneys appropriated in Section 1 of this act, \$1,506,400 from the ARPA State Fiscal Recovery Fund shall be distributed for public schools receiving Educational Support Funds pursuant to Sections 33-1002(2)(f) and 33-3408, Idaho Code, for the purpose of providing bonuses for all administrative staff. The allocated amount per bonus shall be a gross amount of \$1,000 plus 19.59% for employer-obligated benefits for each full-time equivalent (FTE) administrative staff position. Funding is to be allocated to these schools using the actual full-time equivalent positions from the same data upload that was used for the February 15, 2022, payment.

SECTION 5. INSTRUCTIONAL AND PUPIL SERVICE STAFF BONUSES. Of the moneys appropriated in Section 2 of this act, \$23,075,900 from the ARPA State Fiscal Recovery Fund shall be distributed for public schools receiving Educational Support Funds pursuant to Sections 33-1002(2)(f) and 33-3408, Idaho Code, for the purpose of providing bonuses for all instructional and pupil service staff. The allocated amount per bonus shall be a gross amount of \$1,000 plus 19.59% for employer-obligated benefits for each full-time equivalent (FTE) instructional and pupil service staff position. Funding is to be allocated to these schools using the actual full-time equivalent positions from the same data upload that was used for the February 15, 2022, payment.

SECTION 6. CLASSIFIED STAFF BONUSES. Of the moneys appropriated in Section 3 of this act, \$12,123,500 from the ARPA State Fiscal Recovery Fund shall be distributed for public schools receiving Educational Support Funds pursuant to Sections 33-1002(2)(f) and 33-3408, Idaho Code, for the purpose of providing bonuses for all classified staff. The allocated amount per bonus shall be a gross amount of \$1,000 plus 19.59% for employer-obligated benefits for each full-time equivalent (FTE) classified staff position. Funding is to be allocated to these schools using the actual full-time equivalent positions from the same data upload that was used for the February 15, 2022, payment.

SECTION 7. ALLOCATIONS REPORTING AND CORRECTIONS. Allocations are to be completed by the State Department of Education and schools shall be notified as soon as practicable. Should the appropriation be insufficient to provide this calculation as intended, the State Department of Education shall adjust the distribution proportionately across all eligible schools. Allocations will be made available to schools as soon as practicable via the Grant Reimbursement Application used for distribution of all federal funds. If, after all funds have been allocated, the State Department of Education determines that funds were over-allocated and drawn down based on incorrect information, the school shall return those overdrawn amounts back to the State Department of Education as soon as practicable and the State Department of Education shall return those funds back to the state at the conclusion of the fiscal year, along with any unused allocations. The State Department of Education shall report to the Legislative Services Office Budget and Policy Analysis Division and the Division of Financial Management on the allocation of these funds for federal reporting purposes.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 23, 2022

CHAPTER 171  
(S.B. No. 1402)

AN ACT

RELATING TO THE APPROPRIATION TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REQUIRING REPORTS REGARDING BUSINESS AND TECHNOLOGY MODERNIZATION; 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 Industrial Commission the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. COMPENSATION:</b>					
FROM:					
Industrial Administration					
Fund	\$6,014,800	\$5,132,200	\$50,000	\$1,355,600	\$12,552,600
Peace Officer and Detention Officer Temporary Disability					
Fund	8,800	3,800		156,100	168,700
Miscellaneous Revenue					
Fund	<u>0</u>	<u>45,000</u>	<u>0</u>	<u>0</u>	<u>45,000</u>
TOTAL	\$6,023,600	\$5,181,000	\$50,000	\$1,511,700	\$12,766,300
<b>II. REHABILITATION:</b>					
FROM:					
Industrial Administration					
Fund	\$3,896,400	\$629,000			\$4,525,400
<b>III. CRIME VICTIMS COMPENSATION:</b>					
FROM:					
General					
Fund				\$294,000	\$294,000
Crime Victims Compensation					
Fund	\$945,300	\$679,300		2,000,000	3,624,600
Federal Grant					
Fund	<u>0</u>	<u>0</u>		<u>1,639,000</u>	<u>1,639,000</u>
TOTAL	\$945,300	\$679,300		\$3,933,000	\$5,557,600
<b>GRAND TOTAL</b>	<b>\$10,865,300</b>	<b>\$6,489,300</b>	<b>\$50,000</b>	<b>\$5,444,700</b>	<b>\$22,849,300</b>

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Industrial Commission is authorized no more than one hundred thirty-three and twenty-five hundredths (133.25) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. BUSINESS AND TECHNOLOGY MODERNIZATION. In accordance with Section 1, Article VIII of the Constitution of the State of Idaho, of the amount appropriated in Section 1 of this act, \$2,844,200 from the Industrial Administration Fund and \$405,600 from the Crime Victims Compensation Fund comprise the third of four onetime appropriations for the commission's business and technology modernization, subject to the availability of funds and satisfactory project implementation. On or before September 1 of each year, the commission shall report to the Legislature regarding the specific efforts made to upgrade its business applications, the outcomes of those efforts, and an estimate of the appropriation amount needed to continue those efforts.

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, 2022.

Approved March 23, 2022

CHAPTER 172  
(S.B. No. 1351)

AN ACT

RELATING TO VOTERS; AMENDING SECTION 34-418, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE REVIEW AND REPORTING OF VOTER REGISTRATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-418, Idaho Code, be, and the same is hereby amended to read as follows:

34-418. WEEKLY REVIEW OF NEW VOTER REGISTRATIONS CARDS -- REPORT TO INTERESTED OFFICIALS. (1) Each week the county clerk shall review the registration cards of all newly registered electors for the past weekly period to determine whether they have been previously registered to vote in another state or in another county within this state. The county clerk or secretary of state, through the statewide voter registration system, shall notify the proper registration official or county clerk where the elector was previously registered so that the prior registration may be canceled. The form of such notice shall be prescribed by the secretary of state.

(2) The secretary of state, in conjunction with the county clerks, shall make an annual report to the legislature regarding voter registration maintenance actions performed by them.

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, 2022.

Approved March 23, 2022

CHAPTER 173  
(S.B. No. 1352)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-1011, IDAHO CODE, TO REVISE PROVISIONS REGARDING ABSENT ELECTOR'S BALLOTS AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-1011, Idaho Code, be, and the same is hereby amended to read as follows:

34-1011. COUNTY CLERK'S RECORD OF APPLICATIONS FOR ABSENT ELECTOR'S BALLOTS. (1) The county clerk shall keep a record in his office containing a list of names and precinct numbers of electors making application for absent elector's ballots, together with the date on which such application was made, and the date on which such absent elector's ballot was returned.

(2) If an absent elector's ballot is not returned or if it be rejected and not counted, such fact shall be noted on the record.

(3) If an absent elector's ballot is returned to the county clerk by the United States post office as undeliverable, the county clerk shall investigate the validity of the absent elector's registration, and the results of the investigation shall be noted on the record. The secretary of state may promulgate rules to implement proper procedures for investigating the validity of an absent elector's registration.

(4) Such record shall be open to public inspection under proper regulations.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 174  
(H.B. No. 590)

AN ACT

RELATING TO WORKER'S COMPENSATION; REPEALING SECTION 72-404, IDAHO CODE, RELATING TO LUMP SUM PAYMENTS; AMENDING CHAPTER 4, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-404, IDAHO CODE, TO PROVIDE FOR SETTLEMENT AGREEMENTS AND LUMP SUM PAYMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 72-404, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 4, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-404, Idaho Code, and to read as follows:



72-404. SETTLEMENT AGREEMENTS -- LUMP SUM PAYMENTS. (1) Pursuant to the provisions of this section, parties may compromise and settle claims by way of agreements for lump sum payments, future payments, accrued income benefits, future income benefits, medical cost reimbursements, and other benefits payable under Idaho's worker's compensation laws.

(2) Except as provided in subsection (3) of this section, commission approval is not required for parties to enter into enforceable compromise or settlement agreements. However, either party may request a review and approval of a proposed compromise or settlement agreement by the commission.

(3) In any case where one (1) or both parties are not represented by an attorney or in any case where a party is a minor child or legally incompetent person, the commission shall review compromise or settlement agreements. The commission shall approve such an agreement if it determines that approval is in the best interests of the parties. If the commission declines to approve a compromise or settlement agreement, it shall issue a written decision, including factual findings, conclusions of law, and an order declining to approve the agreement. Such decision and order shall be immediately appealable to the Idaho supreme court on grounds of abuse of discretion.

(4) If the commission requires a hearing as part of the settlement review and approval process pursuant to subsection (3) of this section, the commission shall, prior to such hearing, provide each party with written notice of the commission's specific issues to be addressed at the settlement review hearing.

(5) All compromise and settlement agreements shall be filed with the commission for recordkeeping purposes and for purposes of assessment under section 72-327, Idaho Code. A settlement agreement shall be effective on the date it is filed with the commission and shall for all purposes constitute an adjudication of the claims resolved in the settlement agreement. All agreements filed with the commission pursuant to this section shall include, at a minimum, a detailed ledger of all benefits paid or disputed and all terms agreed upon by the parties. A copy of the settlement agreement executed by the parties shall be filed with the commission. When the worker is represented by an attorney, the worker's attorney shall file an attorney charging lien with the commission. The filing of an attorney charging lien shall be deemed to satisfy the requirements of section 72-803, Idaho Code, with respect to approval for claims of attorney's fees, provided that the fees assessed comply with the requirements of Idaho Code and the rules of the commission.

(6) The commission shall, within seven (7) days after the filing of a settlement agreement, issue a notice of dismissal with prejudice, excepting future claims that may include medical or other benefits as agreed upon by the parties.

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, 2022.

Approved March 23, 2022

CHAPTER 175  
(H.B. No. 716)

AN ACT

RELATING TO THE STATE BOARD OF EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-114A, IDAHO CODE, TO PROVIDE FOR THE ADOPTION OF STANDARDS FOR THE INITIAL CERTIFICATION OF PROFESSIONAL SCHOOL PERSONNEL; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-118B, IDAHO CODE, TO PROVIDE FOR THE ADOPTION OF CERTAIN CONTENT STANDARDS; PROVIDING A SUNSET DATE; 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 33-114A, Idaho Code, and to read as follows:

33-114A. ADOPTION OF STANDARDS FOR THE INITIAL CERTIFICATION OF PROFESSIONAL SCHOOL PERSONNEL. Effective July 1, 2022, the Idaho standards for initial certification of professional school personnel shall be the standards prepared by the 2020-2021 educator standards working group dated February 24, 2022.

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 33-118B, Idaho Code, and to read as follows:

33-118B. CURRICULAR MATERIALS -- ADOPTION OF CONTENT STANDARDS. (1) Effective July 1, 2022, the Idaho content standards for English language arts and literacy, mathematics, and science shall be the content standards prepared by the 2020-2021 standards review committee dated January 3, 2022.

(2) The state department of education shall take any necessary action to begin alignment of the required standards assessment with the content standards set forth in this section by July 1, 2022.

(3) The content standards implemented by this section shall be adopted for five (5) years. The content standards implemented by this section shall be subject to a review and adoption cycle that shall conclude June 30, 2027.

(4) The board of education is authorized to immediately promulgate temporary rules and to engage in negotiated rulemaking for the purposes of:

(a) Implementing the content standards required pursuant to this section; and

(b) Implementing revised and updated content standards pursuant to the review and adoption cycle established in subsection (3) of this section.

(5) The board of education shall immediately coordinate with the United States department of education to ensure that Idaho is implementing a plan to meet the requirements of the every student succeeds act of 2015, 20 U.S.C. 6301-7981.

(6) The board of trustees of each school district shall have until June 30, 2024, to incorporate curricular materials that reflect the Idaho content standards.

(7) Nothing contained in chapter 52, title 67, Idaho Code, shall supersede this section.

SECTION 3. The provisions of this act shall be null, void, and of no force and effect on and after June 30, 2027.

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

Approved March 23, 2022

CHAPTER 176  
(H.B. No. 776)

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 2023; 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 2023; PROVIDING REQUIREMENTS FOR PERFORMANCE MEASURES; 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 2022; PROVIDING GENERAL FUND REAPPROPRIATION AUTHORITY; 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, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>I. BOISE STATE UNIVERSITY:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$108,501,100	\$8,243,500	\$3,757,800		\$120,502,400
<b>HESF Strategic Interest CU</b>					
Fund	4,000,000				4,000,000
<b>Unrestricted</b>					
Fund	<u>104,157,800</u>	<u>42,767,700</u>	<u>137,400</u>		<u>147,062,900</u>
<b>TOTAL</b>	<b>\$216,658,900</b>	<b>\$51,011,200</b>	<b>\$3,895,200</b>		<b>\$271,565,300</b>

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
<b>II. IDAHO STATE UNIVERSITY:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$88,472,200	\$1,596,000			\$90,068,200
<b>Charitable Institutions Endowment Income</b>					
Fund	1,868,800				1,868,800
<b>Normal School Endowment Income</b>					
Fund	3,284,800				3,284,800
<b>Unrestricted</b>					
Fund	<u>29,800,500</u>	<u>20,380,400</u>	<u>\$3,607,000</u>		<u>53,787,900</u>
<b>TOTAL</b>	<b>\$123,426,300</b>	<b>\$21,976,400</b>	<b>\$3,607,000</b>		<b>\$149,009,700</b>
<b>III. UNIVERSITY OF IDAHO:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$90,775,900	\$5,600,700	\$4,485,700		\$100,862,300
<b>Agricultural College Endowment Income</b>					
Fund	940,100	740,500	246,900		1,927,500
<b>Scientific School Endowment Income</b>					
Fund	3,468,500	3,204,200			6,672,700
<b>University Endowment Income</b>					
Fund		5,127,000	752,900		5,879,900
<b>Unrestricted</b>					
Fund	47,081,300	14,870,200			61,951,500
<b>American Rescue Plan</b>					
Fund	<u>0</u>	<u>0</u>	<u>5,000</u>		<u>5,000</u>
<b>TOTAL</b>	<b>\$142,265,800</b>	<b>\$29,542,600</b>	<b>\$5,490,500</b>		<b>\$177,298,900</b>
<b>IV. LEWIS-CLARK STATE COLLEGE:</b>					
<b>FROM:</b>					
<b>General</b>					
Fund	\$17,614,100	\$2,350,500	\$425,300		\$20,389,900
<b>Normal School Endowment Income</b>					
Fund		3,284,400			3,284,400
<b>Unrestricted</b>					
Fund	13,396,700	1,827,100	23,800		15,247,600
<b>American Rescue Plan</b>					
Fund	<u>0</u>	<u>0</u>	<u>9,000</u>		<u>9,000</u>
<b>TOTAL</b>	<b>\$31,010,800</b>	<b>\$7,462,000</b>	<b>\$458,100</b>		<b>\$38,930,900</b>

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. SYSTEMWIDE PROGRAMS:					
FROM:					
General					
Fund		\$2,167,900		\$4,074,800	\$6,242,700
GRAND TOTAL	\$513,361,800	\$112,160,100	\$13,450,800	\$4,074,800	\$643,047,500

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education any unexpended and unencumbered balances appropriated or reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education from dedicated funds for fiscal year 2022 to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. 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, 2022, through June 30, 2023. 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 2023. 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 2023. Each of the institutions' budget requests for fiscal year 2024 shall reflect all adjustments so approved by the Division of Financial Management.

SECTION 6. PERFORMANCE MEASURES. At the first interim meeting of the Joint Finance-Appropriations Committee in 2022, the Idaho State Board of Education shall bring for the committee's consideration suggested goals and performance measures for the college and universities to be used in future funding analysis.

SECTION 7. In addition to the appropriation made in Section 1, Chapter 347, Laws of 2021, 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 \$900,000 from the General Fund to be expended for operating expenditures for the period July 1, 2021, through June 30, 2022, for the Eastern Idaho Forensic Pathology Center at Idaho State University and \$1,100,000 from the General Fund to be expended for the period July 1, 2021, through June 30, 2022, for a nuclear engineering program at Idaho State University and the University of Idaho.

SECTION 8. GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated to the Office of the State Board of Education from the General Fund for nuclear engineering program support and for the Eastern Idaho Forensic Pathology Center in fiscal year 2022, in an amount not to exceed \$2,000,000 from the General Fund, to be used for nonrecurring expenditures for the period July 1, 2022, through June 30, 2023. 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 9. 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, 6, and 8 of this act shall be in full force and effect on and after July 1, 2022.

Approved March 23, 2022

CHAPTER 177  
(H.B. No. 521)

AN ACT

RELATING TO ABORTION; AMENDING SECTION 18-608, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN PERMITTED ABORTIONS AND TO PROVIDE THAT CERTAIN ABORTIONS SHALL NOT BE MADE LEGAL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. 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 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 An abortion performed upon a woman who is in the second trimester of pregnancy, shall only be lawful if 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 An abortion performed upon a woman who is in the third trimester of pregnancy, shall only be lawful if 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.~~

~~(4) Nothing in this section shall make legal any abortion that is otherwise illegal under any other law of this state, including section 18-622, Idaho Code.~~

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect thirty days following signature by the Governor.

Approved March 23, 2022

CHAPTER 178  
(H.B. No. 562)

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1705, IDAHO CODE, TO REMOVE DEFINITIONS, TO REVISE A DEFINITION, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1729, IDAHO CODE, TO REVISE PROVISIONS REGARDING DRUG OUTLETS, TO PROVIDE FOR RESIDENT AND NONRESIDENT DRUG OUTLETS, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1761, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 54-4702, IDAHO CODE, TO REMOVE A CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-1705, Idaho Code, be, and the same is hereby amended to read as follows:

54-1705. DEFINITIONS. In this chapter:

(1) "Board of pharmacy" or "board" means the Idaho state board of pharmacy.

(2) ~~"Central drug outlet" means a resident or nonresident pharmacy, drug outlet or business entity employing or contracting pharmacists to perform off-site pharmacy services.~~

~~(3) "Certificate" means a license or registration issued by the board unless specifically stated.~~

(43) "Chain pharmacy warehouse" means a physical location for prescription drugs that acts as a central warehouse and performs intracompany sales or transfers of such drugs to a group of chain pharmacies that have the same common ownership and control.

(54) "Colicensed partner or product" means an instance where two (2) or more parties have the right to engage in the manufacturing or marketing of a prescription drug, consistent with the federal food and drug administration's implementation of the prescription drug marketing act.

(65) "Compounding" means the practice in which a pharmacist, a prescriber, or, in the case of an outsourcing facility, a person under the supervision of a pharmacist combines, mixes or alters ingredients of a drug to create a medication tailored to the needs of an individual patient.

(76) "Counseling" or "counsel" means the effective communication by the pharmacist of information, as set out in this chapter, to the patient or caregiver in order to improve therapeutic outcomes by maximizing proper use of prescription drugs and devices.

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

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

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

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

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



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

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

(121) "Drug" means:

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

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

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

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

(132) "Drug outlet" means a resident or nonresident pharmacy, business entity or other facility subject to registration by the board, pursuant to section 54-1729, Idaho Code, where employees or personnel are engaged in the practice of pharmacy, in the provision of pharmaceutical care, or in the dispensing, delivering, distributing or manufacturing of drugs or devices in or into Idaho.

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

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

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

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

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

~~(19) "Limited service outlet" means a resident or nonresident pharmacy, facility or business entity subject to registration by the board, pursuant to section 54-1729, Idaho Code, and has employees or personnel engaged in the practice of pharmacy, in the provision of pharmaceutical care, or in the dispensing, delivering, distributing or manufacturing of drugs or devices as may be further defined by board rule but is not a community pharmacy, institutional facility, manufacturer, wholesaler, central drug outlet or mail service pharmacy.~~

~~(20) "Mail service pharmacy" means a nonresident pharmacy that ships, mails or delivers by any lawful means a dispensed legend drug to residents in this state pursuant to a legally issued prescription drug order and ensures the provision of corresponding related pharmaceutical care services required by law.~~

(2118) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the sub-

stance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for his own use or the preparation, compounding, packaging or labeling of a drug:

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

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

(2219) "Manufacturer" means a person who is licensed or approved by the federal food and drug administration to engage in the manufacture of drugs, including a colicensed partner or affiliate of that person, who compounds, cultivates, derives, harvests, mixes, or by other process produces or prepares legend drugs and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process, or who packages or repackages such drugs, but does not include pharmacists or practitioners in the practice of their profession.

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

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

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

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

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

(285) "Person in charge" or "PIC" means a person whose qualifications, responsibilities, and reporting requirements are defined in rule.

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

(3027) "Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy or a pharmacist registered by this state who is located in another state, territory or the District of Columbia and is engaged in the practice of pharmacy into Idaho, unless exempted.

(3128) "Pharmacist intern" means a person who is enrolled in or who has completed a course of study at an accredited school or college of pharmacy and is registered with the board as a pharmacist intern prior to commencement of an internship.

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

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

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

(352) "Precursor" means a substance, other than a legend drug, that is an immediate chemical intermediate that can be processed or synthesized into a legend drug and is used or produced primarily for use in the manufacture of a legend drug.

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

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

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

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

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

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

(4037) "Prospective drug review" includes, but is not limited to, the following activities:

- (a) Evaluation of the prescription drug order for known allergies, rational therapy contraindications, reasonable dose and route of administration, and reasonable directions for use;
- (b) Evaluation of the prescription drug order for duplication of therapy;
- (c) Evaluation of the prescription drug order for drug, food, or disease interactions; and
- (d) Evaluation of the prescription drug order for proper utilization.

(4138) "Record" means all papers, letters, memoranda, notes, prescriptions, drug orders, invoices, statements, patient medication charts or files, computerized records or other written indicia, documents or objects that are used in any way in connection with the purchase, sale or handling of any drug or device.

(4239) "Repackage" means repackaging or otherwise changing the container, wrapper, or labeling to further the distribution of a prescription drug, excluding such actions when completed by the pharmacist responsible for dispensing product to the patient.

(4340) "Reverse distributor" means a drug outlet that receives nonsalable prescription drugs from persons or their agents, who may lawfully possess prescription drugs without being issued a valid prescription drug order, and that processes for credit or disposes of such prescription drugs.

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

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

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

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

(474) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Drug returns, when conducted by a hospital, health care entity, or charitable institution in accordance with 21 CFR 203.23;

(b) The sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription;

(c) The delivery of, or offer to deliver, a prescription drug by a common carrier solely in the common carrier's usual course of business of transporting prescription drugs when such common carrier does not store, warehouse, or take legal ownership of the prescription drug; or

(d) The sale or transfer from a community pharmacy or chain pharmacy warehouse of expired, damaged, mispicked, returned, or recalled prescription drugs to the original manufacturer, original wholesaler, or third-party returns processor, including a reverse distributor.

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

SECTION 2. That Section 54-1729, Idaho Code, be, and the same is hereby amended to read as follows:

54-1729. REGISTRATION AND LICENSURE OF FACILITIES. (1) All drug or device outlets doing business in or into Idaho shall:

(a) If a nonresident, be licensed or registered and in good standing in the applicant's state of residence and, if a pharmacy, have a PIC who is registered by the board;

(b) Submit a written application in the form prescribed by the board; and

(c) Pay the fee or fees specified by the board for the issuance of the certificate.

(2) Each drug or device outlet shall apply for a certificate in one (1) of the following classifications:

(a) ~~Community pharmacy~~ Resident drug outlet;

(b) ~~Institutional facility~~ Nonresident drug outlet;

(c) Manufacturer;

(d) Wholesaler; or

(e) Prescriber drug outlet; ~~+~~

~~(f) Central drug outlet;~~

~~(g) Mail service pharmacy;~~

~~(h) Limited service outlet.~~

(3) The board shall establish by rule under the powers granted to it under sections 54-1718 and 54-1719, Idaho Code, the criteria that each outlet with employees or personnel engaged in the practice of pharmacy must meet to qualify for registration or licensure in each classification designated in subsection (2) of this section. The board may issue various types of certificates with varying restrictions to such outlets designated in subsection (2) of this section where the board deems it necessary by reason of the type of outlet requesting a certificate.

(4) It shall be lawful for any outlet or facility to sell and distribute nonprescription drugs. Outlets engaging in the sale and distribution of such items shall not be deemed to be improperly engaged in the practice of pharmacy. No rule will be adopted by the board under this chapter that requires the sale of nonprescription drugs by a pharmacist or under the supervision of a pharmacist or otherwise applies to or interferes with the sale and distribution of such medicines.

(5) If the regulatory board or licensing authority of the state in which a nonresident outlet is located fails or refuses to conduct an inspection or fails to obtain records or reports required by the board, upon reasonable notice to the nonresident outlet, the board may conduct an inspection. Nonresident outlets shall also pay the actual costs of the out-of-state inspection of the outlet, including the transportation, lodging and related expenses of the board's inspector.

(6) A successful applicant for a certificate under the provisions of this section shall be subject to the disciplinary provisions of section 54-1726, Idaho Code, the penalty provisions of section 54-1728, Idaho Code, and the rules of the board.

(7) A successful applicant for a certificate under the provisions of this section shall comply with the board's laws and the rules of this state unless compliance would violate the laws, regulations, or rules in the state in which the licensee or registrant is located.

(8) Renewal shall be required annually and submitted to the board no later than December 31. The board shall specify by rule the procedures to be followed and the fees to be paid for renewal of a certificate.

SECTION 3. That Section 54-1761, Idaho Code, be, and the same is hereby amended to read as follows:

54-1761. DEFINITIONS. As used in sections 54-1760 through 54-1765, Idaho Code:

(1) "Donation repository" means:

(a) A community health center as defined in section 39-3203, Idaho Code;

(b) A free medical clinic as defined in section 39-7702, Idaho Code;

(c) A designated regional behavioral health center as identified in chapter 31, title 39, Idaho Code;

(d) A state charitable institution as defined in chapter 1, title 66, Idaho Code; or

(e) A drug outlet as defined in section 54-1705, Idaho Code.

(2) "Legend drug" has the same meaning as provided in section 54-1705-~~(38)~~, Idaho Code.

(3) "Medically indigent patient" means any person who is a resident of Idaho and who meets one (1) of the following conditions:

(a) The person is not eligible for medicaid or medicare;

(b) The person cannot afford private prescription drug insurance; or

(c) The person does not have income and other resources available sufficient to pay for a legend drug.

(4) "Qualified donor" means:

(a) Any entity that meets the definition of "donation repository" as provided in this section; or

(b) Any member of the public in accordance with section 54-1762, Idaho Code.

SECTION 4. That Section 54-4702, Idaho Code, be, and the same is hereby amended to read as follows:

54-4702. DEFINITIONS. As used in this chapter:

(1) "Acupuncture" means that theory of health care developed from traditional and modern Oriental medical philosophies that employs diagnosis and treatment of conditions of the human body based upon stimulation of specific acupuncture points on meridians of the human body for the promotion, maintenance, and restoration of health and for the prevention of disease. Therapies within the scope of acupuncture include manual, mechanical, thermal, electrical and electromagnetic treatment of such specific indicated points. Adjunctive therapies included in, but not exclusive to, acupuncture include herbal and nutritional treatments, therapeutic exercise and other therapies based on traditional and modern Oriental medical theory.

(2) "Board" means the Idaho state board of acupuncture.

(3) "NCCAOM" means "National Certification Commission for Acupuncture and Oriental Medicine."

(4) "Practice of acupuncture" means the insertion of acupuncture needles and use of similar devices and therapies, including application of moxibustion, to specific indicated points on the skin of the human body as indicated pursuant to traditional and modern theories of Oriental medicine. The "practice of acupuncture" does not include:

(a) Surgery; or

(b) Prescribing, dispensing or administering any prescription drug or legend drug as defined in section 54-1705~~(38)~~, Idaho Code.

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, 2022.

Approved March 23, 2022

CHAPTER 179  
(H.B. No. 566)

AN ACT

RELATING TO THE PUBLIC INTEGRITY IN ELECTIONS ACT; AMENDING SECTION 74-603, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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, at such times and in such manner as they are available to the general public, are exempt from this exclusion and may be used by a political party as defined in section 34-109, Idaho Code, provided that all political parties are given equal and fair access.

(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. 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, 2022.

Approved March 23, 2022

CHAPTER 180  
(H.B. No. 603)

AN ACT

RELATING TO HOSPITAL DISTRICTS; AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1358, IDAHO CODE, TO PROVIDE FOR LEASE OR SALE OF HOSPITAL DISTRICT PROPERTY; AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1359, IDAHO CODE, TO PROVIDE FOR CONVEYANCE OF HOSPITAL DISTRICT PROPERTY TO A NONPROFIT CORPORATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 13, 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 39-1358, Idaho Code, and to read as follows:

39-1358. DISTRICT HOSPITAL PROPERTY -- LEASE OR SALE. A hospital district acting through its board of trustees shall have the right to convey or lease hospital district real property, facilities, and the personal property and equipment therein upon such terms and for such length of time as the board of trustees may decide. However, no such lease or sale, except those leases entered into between a hospital district and the Idaho health facilities authority as provided in section 39-1339, Idaho Code, shall be final or valid unless and until it has been approved by a majority of the qualified electors of the district voting on such question at an election held subject to the provisions of title 34, Idaho Code.

SECTION 2. That Chapter 13, 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 39-1359, Idaho Code, and to read as follows:

39-1359. CONVEYANCE OF HOSPITAL DISTRICT PROPERTY TO NONPROFIT CORPORATION. (1) As an alternative to the procedure set forth in section 39-1358, Idaho Code, the board of trustees of a hospital district may convey or lease hospital district real property, facilities, and the personal property and equipment therein subject to the following conditions:

- (a) The conveyance or lease shall be to a nonprofit corporation;
- (b) No lease term shall exceed ninety-nine (99) years;
- (c) The governing body of the nonprofit corporation must be composed initially of the incumbent trustees of the hospital district board of trustees as individuals;
- (d) The articles of incorporation must provide for a membership of the corporation that is:
  - (i) Broadly representative of the public it serves; or
  - (ii) A single nonprofit corporate member having articles of incorporation that provide for a membership of the corporation that is broadly representative of the public it serves. The articles must further provide for the selection of the governing body by the membership of the corporation or exclusively by a parent corporation that is a corporate member, with voting power, and not by the governing body itself, except to fill a vacancy for an unexpired term. The articles must further provide that no member of the governing body shall serve more than two (2) consecutive three (3) year terms;



(e) The nonprofit corporation must provide care for indigent patients and receive any person falling sick or maimed within the hospital district;

(f) The conveyance or lease agreement must provide for the transfer of patients, staff, and employees and for the continuing administration of any trusts or bequests or maintenance of records pertaining to the existing hospital district; and

(g) The conveyance or lease agreement shall provide for a price that is either of the following:

(i) The acceptance of all assets and assumption of all liabilities; or

(ii) Such other price to which the hospital district board of trustees and the nonprofit corporation agree.

(2) If any hospital that has been conveyed pursuant to this section ceases to be used as a nonprofit hospital, then the hospital so conveyed shall revert to the ownership of the hospital district, unless the premises so conveyed are sold and the proceeds used to erect or enlarge another nonprofit hospital. If any hospital that has been leased pursuant to this section ceases to be used as a nonprofit hospital, then the lease shall terminate.

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, 2022.

Approved March 23, 2022

CHAPTER 181  
(H.B. No. 637)

AN ACT

RELATING TO COMMUNITY INFRASTRUCTURE DISTRICTS; AMENDING SECTION 50-3102, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-3104, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE MEMBERSHIP OF A COMMUNITY INFRASTRUCTURE DISTRICT BOARD AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 50-3102, Idaho Code, be, and the same is hereby amended to read as follows:

50-3102. DEFINITIONS. As used in this chapter, the following terms shall have the meanings as stated:

(1) "Assessment area" means real property within the boundaries of a community infrastructure district that is the subject of a specific special assessment as set forth in this chapter.

(2) "Community infrastructure" means improvements that have a substantial nexus to the district and directly or indirectly benefit the district. Community infrastructure excludes public improvements fronting individual single-family residential lots. Community infrastructure includes planning, design, engineering, construction, acquisition or installation of such infrastructure, including the costs of applications, impact fees and other fees, permits and approvals related to the construction, acquisition or installation of such infrastructure, and incurring expenses incident to and reasonably necessary to carry out the purposes of this chapter. Com-

munity infrastructure includes all public facilities as defined in section 67-8203(24), Idaho Code, and, to the extent not already included within the definition in section 67-8203(24), Idaho Code, the following:

- (a) Highways, parkways, expressways, interstates, or other such designations, interchanges, bridges, crossing structures, and related appurtenances;
  - (b) Public parking facilities, including all areas for vehicular use for travel, ingress, egress and parking;
  - (c) Trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for travel, ingress, egress and parking;
  - (d) Public safety facilities;
  - (e) Acquiring interests in real property for community infrastructure;
  - (f) Financing costs related to the construction of items listed in this subsection; and
  - (g) Impact fees.
- (3) "Community infrastructure segment" means a separate or a discernible portion of a construction contract attributable to community infrastructure.
- (4) "Debt service" means the principal of, interest on and premium, if any, on the bonds, when due, whether at maturity or prior redemption, and fees and costs of registrars, trustees, paying agents or other agents necessary to handle the bonds and the costs of credit enhancement or liquidity support.
- (5) "District" means a community infrastructure district formed pursuant to this chapter. A district formed after July 1, 2022, shall not exclude from the district any land that is completely surrounded by property in the district. A district shall only include contiguous property at the time of formation. Land that is connected by only a shoestring or strip of land which that comprises a railroad or highway right-of-way shall not be considered contiguous for the purposes of this chapter. Subsequent to a district's formation, a district may include noncontiguous property but only if specifically determined by the district board to have a substantial nexus to the initial district or to the community infrastructure contemplated by the initial district, and then authorized by the district board in its discretion and pursuant to section 50-3106, Idaho Code.
- (6) "District board" means the board of directors of the district.
- (7) "District development agreement" means an agreement between a property owner or developer, the county or city, any other political subdivision of the state, and/or the district. A district development agreement shall be used to establish obligations of the parties to the agreement relating to district financing and development, including: intergovernmental agreements; the ultimate public ownership of the community infrastructure financed by the district; the understanding of the parties with regard to future annexations of property into the district; the total amount of bonds to be issued by the district and the property taxes and special assessments to be levied and imposed to repay the bonds and the provisions regarding the disbursement of bond proceeds; the financial assurances, if any, to be provided with respect to the bonds; impact and other fees imposed by governmental authorities, including credit, prepayment and/or reimbursement with respect thereto; and other matters relating to the community infrastructure, such as construction, acquisition, planning, design, inspection, ownership and control. A district development agreement shall be in addition to and shall not supplant any development agreement entered into pursuant to section 67-6511A, Idaho Code, pursuant to which a governing body may require or permit as a condition of rezoning that an owner or developer make a written commitment concerning the use or development of the subject parcel.

(8) "General plan" means the general plan described in section 50-3103(1), Idaho Code, as the plan may be amended from time to time.

(9) "Governing body" means the county commissioners or city council that by law is constituted as the governing body of the county or city in which the district is located. Reference in this chapter to "governing body or bodies" shall mean the governing body or bodies of each county and city in which the district is located.

(10) "Owner" means the person listed as the owner of real property within the district or a proposed district on the current property rolls in effect at the time that the action, proceeding, hearing or election has begun; provided however, that if a person listed on the property rolls is no longer the owner of real property within the district or a proposed district and the name of the successor owner becomes known and is verified by recorded deed or other similar evidence of transfer of ownership, the successor owner shall be deemed to be the owner for the purposes of this chapter.

(11) "Market value for assessment purposes" means the amount of the last preceding equalized assessment of all taxable property and excludes all property exempt from taxation pursuant to section 63-602G, Idaho Code, within the community infrastructure district on the tax rolls completed and available as of the date of approval in the district bond issuance.

(12) "Person" means any entity, individual, corporation, partnership, firm, association, limited liability company, limited liability partnership, trust or other such entities as recognized by the state of Idaho. A "person in interest" is any person who is a qualified elector in the district, who is an owner of real property in the district or who is a real property taxpayer in the district.

(13) "Qualified elector" means a person who possesses all of the qualifications required of electors under the general laws of the state of Idaho and:

(a) Resides within the boundaries of a district or a proposed district and who is a qualified elector. For purposes of this chapter, such elector shall also be known as a "resident qualified elector"; or

(b) Is an owner of real property that is located within the district or a proposed district, who is not a resident qualified elector as set forth above. For purposes of this chapter, such elector shall also be known as an "owner qualified elector."

(14) "Special assessment" means an assessment imposed upon real property located within an assessment area for a specific purpose and of a special benefit to the affected property, collected and enforced in the same manner as property taxes, that may be apportioned according to the direct or indirect special benefits conferred upon the affected property, as well as any, or any combination, of the following: acreage, square footage, front footage, the cost of providing community infrastructure for the affected property, or any other reasonable method as determined by the district board.

SECTION 2. That Section 50-3104, Idaho Code, be, and the same is hereby amended to read as follows:

50-3104. DISTRICT ORGANIZATION. (1) If the petition for formation of the district is granted, the district shall comply with the filing and recording requirements of section 63-215, Idaho Code, and shall also cause a copy of the applicable resolution to be delivered to the county assessor of each county in which the district is located, cause a copy of the applicable resolution to be recorded with the county clerk in each county in which the district is located, and cause a copy of the applicable resolution to be filed with the state tax commission.

(2) Members of the governing body or bodies at the time of formation shall serve as the district board.

(a) If the district is located entirely within the boundaries of a city, three (3) members of the city council chosen by the city council shall serve as the district board.

(b) If the district is located entirely within the boundaries of a county and outside the boundaries of any city, the county commissioners of the county in which the district is located shall serve as the district board.

(c) If the district is located within the jurisdiction of more than one (1) governing body, two (2) members of each governing body shall be appointed by that governing body to serve on the district board and, in addition, the governing body within whose jurisdiction the largest land area of the district is located shall appoint another member from its governing body to serve as an additional member of the district board, so that the district board will always be comprised of an odd number of members. For purposes of determining which jurisdiction has such largest land area, the land area in the district that is within the incorporated city limits shall be considered as being the land area of the city and shall not be considered as part of the land area of the county in which the city is located.

(d) If an area is added to the district pursuant to section 50-3106(2), Idaho Code, and such area is located in a city or county not already represented on the district board, or if the addition of such area changes the jurisdiction in which the largest land area of the district is located, the membership of the district board, at the time of addition of such area, shall be adjusted in conformity with the foregoing.

(e) If an area is deleted from the district pursuant to section 50-3106(1), Idaho Code, and, as a result, a county or city no longer has area within the district, or such deletion changes the jurisdiction in which the largest land area of the district is located, the membership of the district board, at the time of deletion of such area, shall be adjusted in conformity with the foregoing.

(f) If an area is annexed or deannexed by a city and, as a result, the jurisdiction of a county or city is changed, the membership of the district board at the time of such annexation or deannexation shall be adjusted in conformity with the foregoing.

(g) In the case of an area in a district that is impacted by a county or city that has redrawn its county commissioner boundaries or has changed from at-large city council elections to city council district elections, the membership of the district board at the time of such changes shall be adjusted to include:

(i) One (1) homeowner residing in the district, to be appointed by the city council;

(ii) One (1) city council member whose new city council district or one (1) county commissioner whose new county commissioner district includes the community infrastructure district, to be appointed by the member's governing body. Provided, only one (1) member shall be appointed to the district board pursuant to this subparagraph, regardless of the number of city council districts or county commissioner districts included in the community infrastructure district; and

(iii) One (1) additional city council member or county commissioner, to be appointed by the member's governing body.

(h) The boards of county commissioners and the city councils, as such governing bodies, are hereby specifically authorized to act in a joint manner for such the purposes of implementing the provisions of this subsection.

(3) Within thirty (30) days after the date of the resolution ordering formation of the district, and annually thereafter, the district board shall meet and elect a chairman and ~~vice-chairman~~ vice chairman to act as the officers of the district board. The district board shall, unless otherwise agreed to by a majority of the board, meet in the county or city within which the largest land area of the district is located. The district shall keep the following records, which shall be open to public inspection:

- (a) Minutes of all meetings of the district board;
- (b) All resolutions;
- (c) Accounts showing all moneys received and disbursed;
- (d) The annual budget; and
- (e) All other records required to be maintained by law.

(4) The district manager shall be the manager or equivalent of the city or county, the district treasurer shall be the treasurer of the city or county, the district clerk shall be the district clerk of the city or county, respectively, unless the district board engages an outside firm to perform the tasks of the district's manager, treasurer and clerk as well as other duties as may be prescribed by the district board. Where a district contains multiple county or city jurisdictions, the board shall designate by resolution the manager, treasurer and clerk.

(5) The district manager shall have charge and supervision of the daily operations of the district. The district manager may hire or otherwise employ and terminate the employment of such persons, including professional, supervisory and clerical employees, as may be necessary and authorized by the board.

(6) The treasurer of the district shall have such duties as the district board may prescribe, together with the duty to keep account with the district, to place to the credit of the district all moneys received by him or her from the collection of special assessments, taxes or from any other sources, and all other moneys belonging to the district, and to pay over all moneys belonging to the district on legally drawn warrants or orders of the district board.

(7) The clerk of the district shall have such duties as the district board may prescribe, together with the duty to conduct district elections and to prepare and distribute legal notices.

(8) The district shall be separate and apart from any county or city. The members of the district board, when serving in their official capacity as members of the district board, shall act on behalf of the district and not as members of a board of county commissioners or as members of a city council.

(9) The district board shall administer in a reasonable manner the implementation of the general plan.

(10) The district shall exist until dissolved pursuant to section 50-3116, 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, 2022.

Approved March 23, 2022