

GENERAL LAWS
OF THE
STATE OF IDAHO



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Volume 2

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

Chairman Lodge
Senate Judiciary & Rules
Chairman Luker
House Judiciary, Rules & Administration

CHAPTER 225
(H.B. No. 638)

AN ACT

RELATING TO THE ABORTION COMPLICATIONS REPORTING ACT; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 95, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING REPORTING OF ABORTION COMPLICATIONS, TO PROVIDE FOR REPORTING FORMS, TO ESTABLISH PROVISIONS REGARDING PENALTIES AND PROFESSIONAL SANCTIONS, TO PROVIDE CLARIFICATION FOR CONSTRUCTION OF THIS CHAPTER, TO PROVIDE A RIGHT OF INTERVENTION AND TO PROVIDE SEVERABILITY; AMENDING SECTION 54-1413, IDAHO CODE, TO PROVIDE GROUNDS FOR PROFESSIONAL DISCIPLINE FOR NURSES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-1814, IDAHO CODE, TO PROVIDE GROUNDS FOR PROFESSIONAL DISCIPLINE FOR PHYSICIANS, PHYSICIAN ASSISTANTS AND CERTAIN OTHER INDIVIDUALS.

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 95, Title 39, Idaho Code, and to read as follows:

CHAPTER 95
ABORTION COMPLICATIONS REPORTING ACT

39-9501. SHORT TITLE. This act shall be known and may be cited as the "Abortion Complications Reporting Act."

39-9502. LEGISLATIVE FINDINGS AND PURPOSE. (1) The legislature of the state of Idaho asserts and finds that:

(a) The state "has legitimate interests from the outset of pregnancy in protecting the health of women," as found by the United States Supreme Court in *Planned Parenthood of Southeastern Pennsylvania v. Casey*;

(b) Specifically, the state "has a legitimate concern with the health of women who undergo abortions," as found by the United States Supreme Court in *Akron v. Akron Ctr. for Reproductive Health, Inc.*;

(c) Surgical abortion is an invasive procedure that can cause severe physical and psychological complications for women, both short-term and long-term, including, but not limited to, uterine perforation, cervical perforation, infection, bleeding, hemorrhage, blood clots, failure to actually terminate the pregnancy, incomplete abortion, retained tissue, pelvic inflammatory disease, endometritis, missed ectopic pregnancy, cardiac arrest, respiratory arrest, renal failure, metabolic disorder, shock, embolism, coma, placenta previa in subsequent pregnancies, preterm delivery in subsequent pregnancies, free fluid in the abdomen, adverse reactions to anesthesia and other drugs, an increased risk for developing breast cancer, psychological or emotional complications such as depression, suicidal ideation, anxiety and sleeping disorders, and death;

(d) To facilitate reliable scientific studies and research on the safety and efficacy of abortion, it is essential that the medical and public health communities have access to accurate information both on the abortion procedure and on complications resulting from abortion;

(e) Abortion "record keeping and reporting provisions that are reasonably directed to the preservation of maternal health and that properly respect a patient's confidentiality and privacy are permissible,"

according to the United States Supreme Court in *Planned Parenthood v. Danforth*;

(f) Abortion and complication reporting provisions do not impose an undue burden on a woman's right to choose whether or not to terminate a pregnancy. Specifically, the "collection of information with respect to actual patients is a vital element of medical research, and so it cannot be said that the requirements serve no purpose other than to make abortions more difficult," as found by the United States Supreme Court in *Planned Parenthood v. Casey*;

(g) The use of RU-486 as part of a chemical abortion can cause significant medical risks including, but not limited to, abdominal pain, cramping, vomiting, headache, fatigue, uterine hemorrhage, infections and pelvic inflammatory disease;

(h) The risk of abortion complications increases with advancing gestational age;

(i) Studies document that increased rates of complications, including incomplete abortion, occur even within the gestational limit approved by the federal food and drug administration (FDA);

(j) In July 2011, the FDA reported two thousand two hundred seven (2,207) adverse events after women used RU-486 for abortions. Among these events were fourteen (14) deaths, six hundred twelve (612) hospitalizations, three hundred thirty-nine (339) blood transfusions, and two hundred fifty-six (256) infections, including forty-eight (48) severe infections;

(k) The adverse event reports systems relied upon by the FDA have limitations and typically detect only a small proportion of events that actually occur. Furthermore, the FDA has failed to publicly release data since 2011, and it is necessary to develop a state-based information system in the wake of court rulings legalizing telemedicine abortions; and

(1) To promote its interest in maternal health and life, the state of Idaho maintains an interest in:

(i) Collecting information on all complications from all abortions performed in the state; and

(ii) Compiling statistical reports based on abortion complication information collected pursuant to this chapter for future scientific studies and public health research.

(2) Based on the findings in subsection (1) of this section, it is the purpose of this chapter to promote the health and safety of women by adding to the sum of medical and public health knowledge through the compilation of relevant data on all abortions performed in the state, as well as on all medical complications and maternal deaths resulting from these abortions.

39-9503. DEFINITIONS. As used in this chapter:

(1) "Abortion" shall have the same meaning as provided in section 18-502, Idaho Code.

(2) "Complication" means an abnormal or a deviant process or event arising from the performance or completion of an abortion, as follows:

(a) Uterine perforation or injury to the uterus;

(b) Injury or damage to any organ inside the body;

(c) Cervical perforation or injury to the cervix;

(d) Infection;

(e) Heavy or excessive bleeding;

(f) Hemorrhage;

(g) Blood clots;

(h) Blood transfusion;

(i) Failure to actually terminate the pregnancy;

(j) Incomplete abortion or retained tissue;

- (k) The need for follow-up care, surgery or an aspiration procedure for incomplete abortion or retained tissue;
 - (l) Weakness, nausea, vomiting or diarrhea that lasts more than twenty-four (24) hours;
 - (m) Pain or cramps that do not improve with medication;
 - (n) A fever of one hundred and four-tenths (100.4) degrees or higher for more than twenty-four (24) hours;
 - (o) Hemolytic reaction due to the administration of ABO-incompatible blood or blood products;
 - (p) Hypoglycemia where onset occurs while the patient is being cared for in the abortion facility;
 - (q) Physical injury associated with care received in the abortion facility;
 - (r) Pelvic inflammatory disease;
 - (s) Endometritis;
 - (t) Missed ectopic pregnancy;
 - (u) Cardiac arrest;
 - (v) Respiratory arrest;
 - (w) Renal failure;
 - (x) Metabolic disorder;
 - (y) Shock;
 - (z) Embolism;
 - (aa) Coma;
 - (bb) Placenta previa or preterm delivery in subsequent pregnancies;
 - (cc) Free fluid in the abdomen;
 - (dd) Adverse or allergic reaction to anesthesia or other drugs;
 - (ee) Subsequent development of breast cancer;
 - (ff) Inability, refusal or unwillingness to have follow-up care, surgery or an aspiration procedure following an incomplete abortion or retained tissue;
 - (gg) Inability, refusal or unwillingness to have a follow-up visit;
 - (hh) Referral to or care provided by a hospital, emergency department or urgent care clinic or department;
 - (ii) Death;
 - (jj) Any psychological or emotional condition reported by the patient, such as depression, suicidal ideation, anxiety or a sleeping disorder; or
 - (kk) Any other adverse event as defined by the federal food and drug administration criteria provided in the medwatch reporting system.
- (3) "Department" means the state department of health and welfare.
- (4) "Facility" means any public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician's office, infirmary, dispensary, ambulatory surgical center or other institution or location where medical care is provided to any person.
- (5) "Hospital" means any institution licensed as a hospital pursuant to chapter 13, title 39, Idaho Code.
- (6) "Medical practitioner" means a licensed medical care provider capable of making a diagnosis within the scope of such provider's license.
- (7) "Pregnant" or "pregnancy" means the reproductive condition of having an unborn child in the uterus.

39-9504. ABORTION COMPLICATION REPORTING. (1) Every hospital, licensed health care facility or individual medical practitioner shall file a written report with the department regarding each woman who comes under the hospital's, health care facility's or medical practitioner's care and reports any complication, requires medical treatment or suffers death that the attending medical practitioner has reason to believe, in the practitioner's reasonable medical judgment, is a direct or an indirect result of an abortion. Such reports shall be completed by the hospital, health care

facility or attending medical practitioner who treated the woman, signed by the attending medical practitioner and transmitted to the department within ninety (90) days from the last date of treatment or other care or consultation for the complication.

(2) Every hospital, licensed health care facility or individual medical practitioner required to submit a complication report shall attempt to ascertain and shall report on the following:

- (a) The age and race of the woman;
- (b) The woman's state and county of residence;
- (c) The number of previous pregnancies, number of live births and number of previous abortions of the woman;
- (d) The date the abortion was performed and the date that the abortion was completed, as well as the gestational age of the fetus, as defined in section 18-604, Idaho Code, and the methods used;
- (e) Identification of the physician who performed the abortion, the facility where the abortion was performed and the referring medical practitioner, agency or service, if any; and
- (f) The specific complication, as that term is defined in section 39-9503(2), Idaho Code, including, where applicable, the location of the complication in the woman's body, the date on which the complication occurred and whether there were any preexisting medical conditions that would potentially complicate pregnancy or the abortion.

(3) Reports required under this section shall not contain:

- (a) The name of the woman;
- (b) Common identifiers such as the woman's social security number or motor vehicle operator's license number; or
- (c) Other information or identifiers that would make it possible to identify, in any manner or under any circumstances, a woman who has obtained an abortion and subsequently suffered an abortion-related complication.

(4) The department shall prepare a comprehensive annual statistical report for the legislature based on the data gathered from reports under this section. The statistical report shall not lead to the disclosure of the identity of any medical practitioner or person filing a report under this section nor of a woman about whom a report is filed. The aggregate data shall also be made independently available to the public by the department in a downloadable format.

(5) The department shall summarize aggregate data from the reports required under this chapter and submit the data to the federal centers for disease control and prevention for the purpose of inclusion in the annual vital statistics report. The aggregate data shall also be made independently available to the public by the department in a downloadable format.

(6) Reports filed pursuant to this section shall not be deemed public records and shall remain confidential, except that disclosure may be made to law enforcement officials upon an order of a court after application showing good cause. The court may condition disclosure of the information upon any appropriate safeguards it may impose.

(7) Absent a valid court order or judicial subpoena, the department, any other state department, agency or office, or any employees or contractor thereof shall not compare data concerning abortions or abortion complications maintained in an electronic or other information system file with data in any other electronic or other information system, a comparison of which could result in identifying, in any manner or under any circumstances, a woman obtaining or seeking to obtain an abortion.

(8) Statistical information that may reveal the identity of a woman obtaining or seeking to obtain an abortion shall not be maintained by the department, any other state department, agency or office, or any employee or contractor thereof.

(9) The department or an employee or contractor of the department shall not disclose to a person or entity outside the department the reports or the contents of the reports required under this section in a manner or fashion that would permit the person or entity to whom the report is disclosed to identify, in any way or under any circumstances, the woman who is the subject of the report.

(10) Original copies of all reports filed under this section shall be available to the state board of medicine for use in the performance of its official duties.

(11) The department shall communicate this reporting requirement to all medical professional organizations, medical practitioners, hospitals, emergency departments, abortion facilities, clinics, ambulatory surgical facilities, and other health care facilities operating in the state.

39-9505. REPORTING FORMS. The department shall create the forms required by this chapter within sixty (60) days after the effective date of this chapter. Such forms shall provide for the reporting of information required by section 39-9504(2), Idaho Code. No provision of this chapter requiring the reporting of information on forms published by the department shall be applicable until ten (10) days after the requisite forms are first created or until the effective date of this chapter, whichever is later.

39-9506. PENALTIES AND PROFESSIONAL SANCTIONS. (1) Any person who willfully delivers or discloses to the department any report, record or information required pursuant to this chapter and known by him or her to be false is guilty of a misdemeanor.

(2) Any person who willfully discloses any information obtained from reports filed pursuant to this chapter, other than the disclosure authorized by this chapter or otherwise authorized by law, is guilty of a misdemeanor.

(3) Any person required under this chapter to file a report, keep any records or supply any information, who willfully fails to file such report, keep such records or supply such information at the time or times required by law or rule, is:

(a) Guilty of unprofessional conduct, and his or her professional license is subject to discipline in accordance with procedures governing his or her license; and

(b) Subject to a civil fine of five hundred dollars (\$500) for each instance of failure to report, if such person is a medical practitioner responsible for filing an adverse reaction report with the department.

(4) In addition to the above penalties, any facility that willfully violates any of the requirements of this chapter shall:

(a) In the case of a first violation, be subject to a civil fine of one thousand dollars (\$1,000) for each instance of failure to report;

(b) Have its license suspended for a period of six (6) months for the second violation; and

(c) Have its license suspended for a period of one (1) year upon a third or subsequent violation.

39-9507. CONSTRUCTION. (1) Nothing in this chapter shall be construed as creating or recognizing a right to abortion.

(2) It is not the intention of this chapter to make lawful an abortion that is currently unlawful.

39-9508. RIGHT OF INTERVENTION. The legislature, by concurrent resolution, may appoint one (1) or more of its members who sponsored or co-sponsored this chapter in his or her official capacity, or other member or members if the original sponsors and co-sponsors are no longer serving, to intervene as a matter of right in any case in which the constitutionality of this law is challenged.

39-9509. SEVERABILITY. The provisions of this chapter are hereby declared to be severable, and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

SECTION 2. That Section 54-1413, Idaho Code, be, and the same is hereby amended to read as follows:

54-1413. DISCIPLINARY ACTION. (1) Grounds for discipline. The board shall have the power to refuse to issue, renew or reinstate a license issued pursuant to this chapter, and may revoke, suspend, place on probation, reprimand, limit, restrict, condition or take other disciplinary action against the licensee as it deems proper, including assessment of the costs of investigation and discipline against the licensee, upon a determination by the board that the licensee engaged in conduct constituting any one (1) of the following grounds:

- (a) Made, or caused to be made, a false, fraudulent or forged statement or representation in procuring or attempting to procure a license to practice nursing;
- (b) Practiced nursing under a false or assumed name;
- (c) Is convicted of a felony or of any offense involving moral turpitude;
- (d) Is or has been grossly negligent or reckless in performing nursing functions;
- (e) Habitually uses alcoholic beverages or drugs as defined by rule;
- (f) Is physically or mentally unfit to practice nursing;
- (g) Violates the provisions of this chapter or rules and standards of conduct and practice as may be adopted by the board;
- (h) Otherwise engages in conduct of a character likely to deceive, defraud or endanger patients or the public, which includes, but is not limited to, failing or refusing to report criminal conduct or other conduct by a licensee that endangers patients;
- (i) Has been disciplined by a nursing regulatory authority in any jurisdiction. A certified copy of the order entered by the jurisdiction shall be prima facie evidence of such discipline;
- (j) Failure to comply with the terms of any board order, negotiated settlement or probationary agreement of the board, or to pay fines or costs assessed in a prior disciplinary proceeding; ~~or~~
- (k) Engaging in conduct with a patient that is sexual, sexually exploitative, sexually demeaning or may reasonably be interpreted as sexual, sexually exploitative or sexually demeaning; or engaging in conduct with a former patient that is sexually exploitative or may reasonably be interpreted as sexually exploitative. It would not be a violation under this subsection for a nurse to continue a sexual relationship with a spouse or individual of majority if a consensual sexual relationship existed prior to the establishment of the nurse-patient relationship; or

(1) Failure to comply with the requirements of the abortion complications reporting act, chapter 95, title 39, Idaho Code.

(2) Separate offense. Each day an individual violates any of the provisions of this chapter or rules and standards of conduct and practice as may be adopted by the board shall constitute a separate offense.

(3) Proceedings.

(a) The executive director shall conduct such investigations and initiate such proceedings as necessary to ensure compliance with this section. The board may accept the voluntary surrender of a license from any nurse under investigation and accordingly enter an order revoking or suspending such license and/or imposing such conditions,

limitations, or restrictions on the practice of any such nurse as may be appropriate in the discretion of the board. Otherwise, every person subject to disciplinary proceedings shall be afforded an opportunity for hearing after reasonable notice. All proceedings hereunder shall be in accordance with chapter 52, title 67, Idaho Code.

(b) Hearings shall be conducted by the board or by persons appointed by the board to conduct hearings and receive evidence. The board and any person duly appointed by the board to conduct hearings shall have all powers as are necessary and incident to orderly and effective receipt of evidence including, but not limited to, the power to administer oaths and to compel by subpoena attendance of witnesses and production of books, records and things at the hearing or at a deposition taken by a party in accordance with the Idaho rules of civil procedure. Any party shall be entitled to the use of subpoena upon application therefor.

(c) In the event any person fails to comply with a subpoena personally served upon him or refuses to testify to any matter regarding which he may be lawfully interrogated, the board shall petition the district court in the county where such failure or refusal occurred or where such person resides, to enforce such subpoena or compel such testimony. Proceedings before the district court shall be for contempt in the same nature as contempt of court for failure or refusal to comply with an order of the court, and the court shall have the same powers to secure compliance with subpoena and testimony or to impose penalties as in contempt of court proceedings.

(4) Probation/Subsequent review. Any order of the board entered under this section may be withheld or suspended for a probationary period to be fixed by the board upon such terms and conditions as may be appropriate in order to regulate, monitor and/or supervise the practice of nursing by the licensee subject to such order for the prescribed probationary period. Any order of the board entered under this section may be withdrawn, reversed, modified or amended upon a showing by the person subject to the order that the grounds for discipline no longer exist or that he is rehabilitated, qualified and competent to practice nursing and that he is not likely to violate this chapter or rules adopted hereunder in the future. The board may, as a condition to withdrawal, reversal, modification or amendment of the order, require the person to pay all or part of the costs incurred by the board in proceedings upon which the order was entered.

(5) Reporting investigative information.

(a) Nothing in section 74-106(8) and (9), Idaho Code, shall be construed as limiting the authority of the board to report current significant investigative information to the coordinated licensure information system for transmission to states that are parties to any multistate agreements or compacts regarding nurse licensure.

(b) The executive director of the board may, in the administration of this chapter, share information and otherwise cooperate with government regulatory and law enforcement agencies.

SECTION 3. That Section 54-1814, Idaho Code, be, and the same is hereby amended to read as follows:

54-1814. GROUND~~S~~ FOR MEDICAL DISCIPLINE. Every person licensed to practice medicine, licensed to practice as a physician assistant or registered as an extern, intern or resident in this state is subject to discipline by the board pursuant to the procedures set forth in this chapter and rules promulgated pursuant thereto upon any of the following grounds:

(1) Conviction of a felony, or a crime involving moral turpitude, or the entering of a plea of guilty or the finding of guilt by a jury or court of commission of a felony or a crime involving moral turpitude.

(2) Use of false, fraudulent or forged statements or documents, diplomas or credentials in connection with any licensing or other requirements of this act.

(3) Practicing medicine under a false or assumed name in this or any other state.

(4) Advertising the practice of medicine in any unethical or unprofessional manner.

(5) Knowingly aiding or abetting any person to practice medicine who is not authorized to practice medicine as provided in this chapter.

(6) Performing or procuring an unlawful abortion or aiding or abetting the performing or procuring of an unlawful abortion.

(7) The provision of health care which fails to meet the standard of health care provided by other qualified physicians 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.

(8) Division of fees or gifts or agreement to split or divide fees or gifts received for professional services with any person, institution or corporation in exchange for referral.

(9) Giving or receiving or aiding or abetting the giving or receiving of rebates, either directly or indirectly.

(10) Inability to obtain or renew a license to practice medicine, or revocation of, or suspension of a license to practice medicine by any other state, territory, district of the United States or Canada, unless it can be shown that such action was not related to the competence of the person to practice medicine or to any conduct designated herein.

(11) Prescribing or furnishing narcotic or hallucinogenic drugs to addicted persons to maintain their addictions and level of usage without attempting to treat the primary condition requiring the use of narcotics.

(12) Prescribing or furnishing narcotic, hypnotic, hallucinogenic, stimulating or dangerous drugs for other than treatment of any disease, injury or medical condition.

(13) Failure to safeguard the confidentiality of medical records or other medical information pertaining to identifiable patients, except as required or authorized by law.

(14) The direct promotion by a physician of the sale of drugs, devices, appliances or goods to a patient that are unnecessary and not medically indicated.

(15) Abandonment of a patient.

(16) Willfully and intentionally representing that a manifestly incurable disease or injury or other manifestly incurable condition can be permanently cured.

(17) Failure to supervise the activities of externs, interns, residents, nurse practitioners, certified nurse-midwives, clinical nurse specialists, or physician assistants.

(18) Practicing medicine when a license pursuant to this chapter is suspended, revoked or inactive.

(19) Practicing medicine in violation of a voluntary restriction or terms of probation pursuant to this chapter.

(20) Refusing to divulge to the board upon demand the means, method, device or instrumentality used in the treatment of a disease, injury, ailment, or infirmity.

(21) Commission of any act constituting a felony or commission of any act constituting a crime involving moral turpitude.

(22) Engaging in any conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the physician by the patient.

(23) Being convicted of or pleading guilty to driving under the influence of alcohol, drugs or other intoxicating substances or being convicted of or pleading guilty to other drug or alcohol related criminal charges.

(24) Failure to comply with a board order entered by the board.

(25) Failure to comply with the requirements of the abortion complications reporting act, chapter 95, title 39, Idaho Code.

Approved March 22, 2018

CHAPTER 226
(H.B. No. 605)

AN ACT

RELATING TO ALCOHOL; AMENDING SECTION 23-948, IDAHO CODE, TO PROVIDE THAT LICENSES ISSUED TO THE OWNER, OPERATOR OR LESSEE OF A WATERFRONT RESORT SHALL REMAIN VALID AND MAY BE TRANSFERRED EVEN IF THE BODY OF WATER ON WHICH THE RESORT IS SITUATED CEASES TO MEET CERTAIN REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 23-948, Idaho Code, be, and the same is hereby amended to read as follows:

23-948. WATERFRONT RESORTS -- LICENSING EVEN IF OUTSIDE CORPORATE LIMITS OF CITY. (a) Nothing contained in section 23-903, Idaho Code, shall prohibit the issuance of a license to the owner, operator or lessee of a waterfront resort, even if situated outside the incorporated limits of a city. The provisions of section 23-910, Idaho Code, shall apply to licenses issued under the provisions of this section. For the purpose of this section, a waterfront resort shall comprise real property with not less than two hundred (200) feet of lake frontage upon a lake or reservoir as defined by the army corps of engineers of not less than one hundred and sixty (160) acres, or river frontage upon a river with at least an average six (6) months' flow of eleven thousand (11,000) cubic feet per second, and shall be open to the public, where people assemble for the purpose of vacationing, boating or fishing, and each waterfront resort must have suitable docks or permanent improved boat launching facilities not less than sixteen (16) feet in width on property owned or leased by the resort operator or on property contiguous thereto owned by this state or the federal government open to the public for recreational uses for the purpose of caring for vacationers, or other recreational users and either of the following:

(1) Hotel or motel accommodations for not less than fifty (50) persons, including a full-service restaurant which that serves regularly at least two (2) meals per day to the public during a continuous period of at least four (4) months per year; or

(2) A building of not less than three thousand (3,000) square feet of public use floor space, including a full-service restaurant which that serves regularly at least two (2) meals per day to the public during a continuous period of at least four (4) months per year and paved or gravelled parking for fifty (50) automobiles on the operator's owned or leased property and any contiguous property upon which are the docks or boat launching facilities described above.

(b) The fees for licenses granted under the provisions of this section shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code, unless said resort ~~be is~~ located within the corporate limits of a city or village, in which case the license fee shall be the same as for other licensees within such corporate limits.

(c) The provisions of this section shall not be construed to interfere with the privileges of the holder of a lake resort license issued under this section 23-948, Idaho Code, prior to the effective date of this section.

(d) Licenses issued pursuant to this section shall remain valid and may be transferred according to the provisions of this chapter even if the lake, reservoir or river on which the waterfront resort is situated ceases to meet the requirements provided in subsection (a) of this section.

Law without signature.

CHAPTER 227
(S.B. No. 1254)

AN ACT

RELATING TO WIRELESS TELEPHONE SERVICE; PROVIDING LEGISLATIVE INTENT; AND AMENDING CHAPTER 63, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6318, IDAHO CODE, TO AUTHORIZE A COURT TO ISSUE AN ORDER TO TRANSFER WIRELESS TELEPHONE SERVICE IN CERTAIN INSTANCES, TO PROVIDE REQUIREMENTS FOR AN ORDER, TO PROVIDE FOR SERVICE OF AN ORDER, TO PROVIDE FOR EXCEPTIONS TO EFFECTUATING AN ORDER, TO PROVIDE FOR NOTICE WHEN AN ORDER CANNOT BE EFFECTUATED, TO PROVIDE FOR THE TRANSFER OF CERTAIN RESPONSIBILITIES, TO PROVIDE THAT A COURT MAY APPORTION CERTAIN ASSETS, DEBTS AND PROPERTY AND TO PROVIDE AN EXEMPTION FROM LIABILITY IN CERTAIN INSTANCES.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to allow a victim of domestic violence to retain the use of an existing wireless telephone number and access to the contacts and other information that may be contained in an existing wireless telephone. For many victims of domestic violence, a wireless telephone is a lifeline to the community resources, the life-saving services and the support networks victims need in order to leave a batterer and an abusive environment. Many victims require access to a wireless telephone to obtain counseling services and legal assistance, such as securing a protection order. For these victims, a wireless telephone serves as a critical tool for making appointments and communicating with advocates. This can be a problem if the domestic violence victim is not the account holder for the wireless telephone, as only an account holder has the authority to release the telephone number or numbers contained in the account.

SECTION 2. That Chapter 63, 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 39-6318, Idaho Code, and to read as follows:

39-6318. ORDER FOR TRANSFER OF WIRELESS TELEPHONE SERVICE. (1) In order to ensure that a requesting party can maintain an existing wireless telephone number and the wireless numbers of any minor children in the care of the requesting party, a court may issue an order, after notice and a hearing, directing a wireless telephone service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the requesting party, if the requesting party is not the account holder.

(2) (a) The order transferring billing responsibility for and rights to the wireless telephone number or numbers to a requesting party shall be a separate order that is directed to the wireless telephone service provider. The order shall list the name and billing telephone number of the account holder, the name and contact information of the person

to whom the telephone number or numbers will be transferred and each telephone number to be transferred to that person. The court shall ensure that the contact information of the requesting party is not provided to the account holder.

(b) The order shall be served on the wireless service provider's agent for service of process listed with the secretary of state.

(c) Where the wireless service provider cannot operationally or technically effectuate the order due to certain circumstances including, but not limited to, any of the following, the wireless service provider shall notify the requesting party when:

- (i) The account holder has already terminated the account;
- (ii) Differences in network technology prevent the functionality of a device on the network; or
- (iii) There are geographic or other limitations on network or service availability.

(3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone number or numbers to a requesting party, pursuant to subsection (2) of this section, by a wireless telephone service provider, the requesting party shall assume all financial responsibility for the transferred wireless telephone number or numbers, monthly service costs and costs for any mobile device associated with the wireless telephone number or numbers.

(b) This section shall not preclude a wireless service provider from applying any routine and customary requirements for account establishment to the requesting party as part of this transfer of billing responsibility for a wireless telephone number or numbers and any devices attached to that number or numbers including, but not limited to, identification, financial information and customer preferences.

(4) This section shall not affect the ability of the court to apportion the assets and debts of the parties as provided for in law or the ability to determine the temporary use, possession and control of personal property.

(5) No cause of action shall lie against any wireless telephone service provider, its officers, employees or agents for actions taken in accordance with the terms of a court order issued pursuant to the provisions of this section.

Approved March 22, 2018

CHAPTER 228
(S.B. No. 1324)

AN ACT

RELATING TO THE BARBER AND COSMETOLOGY SERVICES ACT; REPEALING CHAPTER 5, TITLE 54, IDAHO CODE, RELATING TO BARBERS; REPEALING CHAPTER 8, TITLE 54, IDAHO CODE, RELATING TO COSMETICIANS; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 58, TITLE 54, IDAHO CODE, TO ESTABLISH THE BARBER AND COSMETOLOGY SERVICES ACT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE POLICY AND REQUIREMENTS OF LICENSURE, TO PROVIDE PROHIBITIONS REGARDING ESTABLISHMENTS AND TO PROVIDE EXCEPTIONS, TO PROVIDE EXEMPTIONS FROM LICENSURE, TO CREATE THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD AND TO PROVIDE FOR THE ORGANIZATION, MEETINGS AND POWERS OF THE BOARD, TO PROVIDE FOR LICENSE AND REGISTRATION APPLICATIONS AND EXAMINATIONS, TO PROVIDE QUALIFICATIONS FOR LICENSURE FOR PRACTITIONERS, INSTRUCTORS, APPRENTICES AND STUDENTS, TO REQUIRE A CERTIFICATE FOR A MAKEUP ARTIST, TO REQUIRE A LICENSE FOR A RETAIL COSMETICS DEALER, TO REQUIRE REGISTRATION FOR A RETAIL THERMAL STYLING EQUIPMENT DEALER, TO REQUIRE A LICENSE FOR A

MAKEOVER OR GLAMOUR PHOTOGRAPHY BUSINESS, TO PROVIDE FOR BARBER AND COSMETOLOGY SCHOOL REQUIREMENTS, TO AUTHORIZE ENDORSEMENT LICENSURE, TO PROVIDE FOR THE PRACTICE OF A COSMETOLOGY APPRENTICE, TO PROVIDE FOR INSPECTION RULES PERTAINING TO ESTABLISHMENTS, TO PROVIDE DISINFECTION REQUIREMENTS, TO PROVIDE FOR THE ISSUANCE AND DISPLAY OF A LICENSE, CERTIFICATE OR REGISTRATION, TO PROVIDE FOR RENEWAL AND REINSTATEMENT OF LICENSES AND REGISTRATIONS, TO PROVIDE FOR FEES, TO AUTHORIZE THE REFUSAL, REVOCATION OR SUSPENSION OF A LICENSE, CERTIFICATE OR REGISTRATION AND TO AUTHORIZE SANCTIONS, TO PROVIDE FOR BARBER POLES, TO PROVIDE FOR BOARDS AND LICENSEES UNDER PRIOR LAW, TO PROHIBIT CERTAIN ACTS AND PROVIDING SEVERABILITY; AMENDING SECTION 67-2601, IDAHO CODE, TO REMOVE REFERENCE TO THE BOARD OF BARBER EXAMINERS AND THE BOARD OF COSMETOLOGY, TO ADD A REFERENCE TO THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD AS A COMPONENT OF THE DEPARTMENT OF SELF-GOVERNING AGENCIES AND TO REMOVE OBSOLETE LANGUAGE; AND AMENDING SECTION 67-2602, IDAHO CODE, TO AUTHORIZE THE BUREAU OF OCCUPATIONAL LICENSES TO PROVIDE SERVICES TO THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD.

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

SECTION 1. That Chapter 5, Title 54, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 8, Title 54, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 58, Title 54, Idaho Code, and to read as follows:

CHAPTER 58
BARBER AND COSMETOLOGY SERVICES ACT

54-5801. SHORT TITLE. This chapter shall be known and may be cited as the "Barber and Cosmetology Services Act."

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 cosmetology.

(2) "Approved or licensed school" means a postsecondary barber or cosmetology school that:

(a) Is licensed under its official name by the barber and cosmetology services licensing board; and

(b) Admits as students only those individuals who meet the requirements of paragraphs (a) and (b) in section 54-5810(7), Idaho Code.

(3) "Barber" means a person licensed to practice barbering as defined in this section.

(4) "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, neck or other parts of the upper body.

(5) "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, neck or other parts of the upper body.

(6) "Barber-stylist" means a person licensed to practice barber-styling as defined in this section.

(7) "Board" means the barber and cosmetology services licensing board established by section 54-5806, Idaho Code.

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

(9) "Cosmetologist" means a person licensed to practice cosmetology as defined in this section.

(10) "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.

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

(12) "Electrologist" means a person licensed to practice electrology, as defined in this section, and skilled in the permanent removal of unwanted hair.

(13) "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.

(14) "Establishment" means a place licensed under this chapter, other than a licensed school, where barbering, barber-styling, cosmetology or electrology is practiced.

(15) "Esthetician" means a person licensed to practice esthetics as defined in this section.

(16) "Esthetics" means noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as

classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes.

(17) "Haircutter" means a person licensed to practice haircutting as defined in this section.

(18) "Haircutting" means cutting, trimming, arranging, dressing, curling, cleansing, singeing or performing similar work on the hair and fitting, cutting or dressing hairpieces or toupees.

(19) "Instructor" means a barber, barber-stylist or cosmetologist licensed to teach barbering, barber-styling or cosmetology in a barber school, a cosmetology school or an establishment meeting the requirements for apprenticeship training.

(20) "Instructor trainee" means a barber, barber-stylist or cosmetologist attending a licensed school to receive training to teach barbering, barber-styling or cosmetology.

(21) "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.

(22) "Makeup artist" means a person certificated to practice makeup artistry as defined in this section.

(23) "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.

(24) "Nail technician" means a person licensed to practice nail technology as defined in this section.

(25) "Nail technology" means any one (1) or more of the following practices when performed on the human body:

- (a) Manicuring and pedicuring nails;
- (b) Applying artificial nails; and
- (c) Massaging the hands and feet.

(26) "Nail technology instructor" means a nail technician licensed to teach nail technology at a school of cosmetology.

(27) "Person" means a human individual.

(28) "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.

(29) "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.

(30) "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.

54-5803. POLICY AND REQUIREMENTS OF LICENSURE. In order to safeguard the public health, safety and welfare, persons practicing or offering to practice an occupation defined in and governed by this chapter shall submit

evidence of their qualifications and shall be licensed, certificated or registered as hereinafter provided. It shall be unlawful for any person to practice or offer to practice an occupation defined in and governed by this chapter, or to use in connection with that person's name or otherwise assume, use or advertise any title or description tending to convey the impression that the person is licensed, certificated or registered to practice an occupation defined in and governed by this chapter, unless the person has been duly licensed, certificated or registered under the provisions of this chapter. It shall further be unlawful for any person or legal entity to operate a barber or cosmetology establishment or school of barbering or cosmetology unless the establishment or school has been licensed for such purpose as hereinafter provided.

54-5804. PROHIBITIONS REGARDING ESTABLISHMENTS -- EXCEPTIONS.

(1) It shall be unlawful:

(a) To practice any of the occupations licensed, certificated or registered under this chapter in a place or establishment that is not licensed or registered for such practice, except as specifically authorized by this chapter;

(b) For any establishment license holder to employ or allow to be employed in or about the licensed establishment a person who is not licensed or certificated under this chapter, unless the person is performing tasks that do not require a license or certificate; and

(c) Where a licensed establishment is located in a home or other building containing living quarters, to use the portions of the home or building that are used for the licensed practice as living, dining or sleeping quarters.

(2) The provisions of subsection (1) (a) of this section shall not apply

to:

(a) Licensees or certificants under this chapter who are performing licensed or certificated services for persons unable by reason of ill health, medical confinement or involuntary incarceration to go to a licensed establishment;

(b) A licensed electrologist practicing electrology or a licensed esthetician practicing esthetics under the supervision of a licensed chiropractor, dentist, medical doctor, nurse practitioner or podiatrist at a facility used by the supervising individual; or

(c) A person licensed or certificated under this chapter to practice barbering, barber-styling, cosmetology, esthetics, haircutting, makeup artistry or nail technology provided that:

(i) The services provided outside a licensed establishment are limited to those authorized by board rule; and

(ii) The licensee or certificant and the facility or location where the services are provided must observe and comply with the inspection, safety and disinfection requirements established by board rule.

54-5805. EXEMPTIONS FROM LICENSURE. The licensing, certification and registration provisions of this chapter shall not apply to the following:

(1) Persons authorized by the laws of this state to practice as a nurse or to practice any of the healing arts while in the proper discharge of their professional duties.

(2) Persons practicing in their own home without compensation who are not practicing on the public in general.

(3) Persons practicing on a relative without compensation.

(4) Persons whose practice is limited to the facial application of cosmetic products to customers in connection with the sale or attempted sale of cosmetic products on the premises of a retail cosmetics dealer without compensation from the customer other than the price of the products.

(5) Persons whose practice is limited to the demonstration of thermal styling equipment on customers in connection with the sale or attempted sale of thermal styling equipment on the premises of a registered thermal styling equipment dealer without compensation from the customer other than the price of the equipment.

(6) Currently enrolled students or actively registered apprentices practicing or demonstrating outside of a licensed school or establishment when that practice or demonstration is under the direct supervision of a licensed instructor. Members of the public may not be charged for any services performed by a student or an apprentice practicing pursuant to this subsection.

(7) Persons who are licensed or qualified through proper documentation to practice or teach barbering, barber-styling or cosmetology in a state, territory or possession of the United States or in a foreign country and whose practice and activities are limited to education or demonstration of no more than fourteen (14) consecutive days, provided that such persons shall observe and comply with sanitation requirements established by rule. Members of the public may not be charged for any services performed as part of the demonstration or education.

(8) Persons who are licensed or qualified through proper documentation and in good standing to practice barber-styling and cosmetology services in another jurisdiction of the United States or in a foreign country and who are employed or contracted to perform barber-styling or cosmetology services in the course of and incidental to the production of a theatrical or other visual arts production including, but not limited to, stage productions, television and motion pictures.

54-5806. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby established in the department of self-governing agencies, bureau of occupational licenses, the barber and cosmetology services licensing board.

(2) The board shall consist of seven (7) members, two (2) of whom shall be licensed cosmetologists, two (2) of whom shall be licensed barbers or barber-stylists, one (1) of whom shall be a licensed electrologist or esthetician, one (1) of whom shall be a currently active school representative and one (1) of whom shall be a member of the public who has an interest in barber and cosmetology services but who does not hold a license issued under this chapter. All board members shall be residents of this state.

(3) Initial appointments to the board by the governor shall begin on July 1, 2018, and be for the following terms: two (2) members whose terms shall expire on July 1, 2019; two (2) members whose terms shall expire on July 1, 2020; and three (3) members whose terms shall expire on July 1, 2021.

(4) After their initial appointment, board members shall be appointed for a term of three (3) years by the governor. All board members shall serve at the pleasure of the governor.

(5) In the event of the death, resignation or removal of any board member before the expiration of the term to which the member is appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(6) The board shall meet annually and at such times as deemed necessary and advisable by the chair of the board, by a majority of the board's members or by the governor. Four (4) members of the board shall constitute a quorum, provided at least one (1) board member of the relevant profession is present when any board action is taken that affects the profession, its licensees or its applicants. The board may act by virtue of a majority vote of members present in which a quorum is present.

(7) Members of the board shall be reimbursed for expenses as provided in section 59-509(n), Idaho Code.

54-5807. POWERS OF THE BOARD. (1) The board shall have the power to:

(a) Receive applications for licensure and certification, determine the qualifications of persons applying for licensure, certification and registration, 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, certificant or registrant pursuant to this chapter and conduct investigations in connection with such actions;

(f) Conduct hearings and proceedings in accordance with the provisions of chapter 52, title 67, Idaho Code;

(g) Establish requirements for reinstatement and renewal of licenses and registrations;

(h) Adopt and revise such rules as may be necessary to carry into effect the provisions of this chapter in compliance with chapter 52, title 67, Idaho Code, including specific rules governing the disinfection and sanitation requirements for establishments and practice as provided by this chapter;

(i) Take such action as may be necessary to enforce the provisions of this chapter and to regulate the practice of occupations licensed, certificated and registered under this chapter;

(j) Approve relevant cosmetology education for barber and barber-styling licenses and approve relevant barber and barber-styling education for cosmetology licenses; provided that the total instructional hours required for a licensed cosmetologist to qualify for a barber or barber-styling license shall not exceed one hundred (100) hours; and

(k) Authorize, by written agreement, the bureau of occupational licenses as its agent to act in its interest and, at the board's discretion, contract with the bureau of occupational licenses for those services deemed necessary for the proper administration of this chapter.

(2) In any proceeding before the board authorized by this chapter, the board or its designee may administer oaths or affirmations to witnesses appearing before it, may subpoena witnesses and compel their attendance and also may require the production of books, papers, documents, electronically stored information and items at such proceedings. If any person shall refuse to obey any subpoena so issued or shall refuse to testify or comply with a request for production, the board may present its petition to a district judge to cause an order to be issued requiring such witness to appear before the board to testify and to produce such books, papers and other documents and items as directed in the subpoena. Any person failing or refusing to obey such order shall be punished for contempt of court.

(3) The board may recover the actual costs and fees, including attorney's fees, incurred by the board in the investigation and prosecution of a licensee, certificant or registrant upon the finding of a violation of this chapter or of a rule adopted or an order issued by the board under this chapter.

(4) In a final order, the board may impose a civil penalty not to exceed one thousand dollars (\$1,000) for each violation by a licensee, certificant or registrant of this chapter or of rules adopted by the board.

54-5808. APPLICATIONS. Each applicant for a license, certificate or registration shall:

- (1) Make application to the board on forms authorized and furnished by the board, such application to contain proof under oath by the applicant of the particular qualifications of the applicant;
- (2) Furnish to the board a passport photograph of the applicant taken within the year preceding the filing of the application, together with a description of the applicant;
- (3) Pay to the board the required fee; and
- (4) Provide documentation and information to establish that the applicant meets the requirements for the license, certificate or registration sought.

54-5809. EXAMINATIONS. The scope of the examinations for licensure and the methods of procedure shall be prescribed by the board with special reference to the applicant's general knowledge in the particular practices for which a license is sought and the applicant's ability to perform the particular work satisfactorily. Examinations shall include both a practical demonstration and a written test.

54-5810. QUALIFICATIONS FOR LICENSURE -- INSTRUCTORS -- APPRENTICES -- STUDENTS. (1) To qualify for licensure under this chapter, an applicant for licensure must:

- (a) Be at least sixteen and one-half (16 1/2) years of age;
 - (b) Have completed at least two (2) years of high school or have attained an equivalent education as determined by the board;
 - (c) Be of good moral character; and
 - (d) Pass an examination for the occupation in which the applicant is seeking licensure, which examination shall be conducted or approved by the board.
- (2) Except as otherwise provided, and in addition to the requirements listed in subsection (1) of this section, an applicant for licensure:
- (a) As a barber must have completed and graduated from a course of instruction of at least nine hundred (900) hours in a barber school approved by the board;
 - (b) As a barber-stylist must have completed and graduated from a course of instruction of at least one thousand five hundred (1,500) hours in a barber school approved by the board;
 - (c) As a cosmetologist must have:
 - (i) Completed and graduated from a course of instruction of at least one thousand six hundred (1,600) hours in a cosmetology school approved by the board; or
 - (ii) Completed at least three thousand two hundred (3,200) hours as an apprentice in an apprenticeship that covered all aspects of the practice of cosmetology;
 - (d) As an electrologist must have:
 - (i) Completed and graduated from a course of instruction of at least six hundred (600) hours in a school approved by the board; or
 - (ii) Completed at least one thousand two hundred (1,200) hours as an apprentice in a cosmetology establishment under the direct personal supervision of a licensed electrologist instructor. Such establishment must have at least one (1) licensed electrologist on-site in accordance with board rules;
 - (e) As an esthetician must have:
 - (i) Completed and graduated from a course of instruction of at least six hundred (600) hours in a school approved by the board; or
 - (ii) Completed at least one thousand two hundred (1,200) hours as an apprentice in a cosmetology establishment under the direct personal supervision of a licensed cosmetology instructor. Such

- establishment must have at least one (1) licensed esthetician on-site in accordance with board rules;
- (f) As a haircutter must have completed and graduated from a course of instruction of at least nine hundred (900) hours in a school approved by the board;
- (g) As a nail technician must have:
- (i) Completed and graduated from a course of instruction of at least four hundred (400) hours in a school approved by the board; or
 - (ii) Completed at least eight hundred (800) hours as an apprentice in a cosmetology establishment under the direct personal supervision of a licensed cosmetology instructor. Such establishment shall have at least one (1) licensed nail technician on-site in accordance with board rules.
- (3) To qualify as a barber instructor, an applicant must:
- (a) Hold a current barber license;
 - (b) Pass an examination approved by the board; and
 - (c) Have at least five (5) years of experience as a licensed barber or have satisfactorily completed:
 - (i) A minimum six (6) month course of barber instructing as a student in a licensed barber school; or
 - (ii) A minimum three (3) month course of barber instructing as a student in a licensed barber school, if the applicant has at least two (2) years of experience as a licensed barber.
- (4) To qualify as a barber-stylist instructor, an applicant must:
- (a) Hold a current barber-stylist license or a cosmetologist license;
 - (b) Pass an examination approved by the board; and
 - (c) Have at least five (5) years of experience as a licensed barber-stylist or have satisfactorily completed:
 - (i) A minimum six (6) month course of barber-stylist instructing as a student in a licensed barber school; or
 - (ii) A minimum three (3) month course of barber-stylist instructing as a student in a licensed barber school, if the applicant has at least two (2) years of experience as a licensed barber-stylist.
- (5) To qualify as an instructor of cosmetology, electrology, esthetics or nail technology, an applicant must:
- (a) Have completed twelve (12) college credit hours or an equivalent education as determined by the board or pass an examination required by board rules;
 - (b) Hold a current license as a cosmetologist, electrologist, esthetician or nail technician; and
 - (c) Have at least five (5) years of experience as a licensed cosmetologist, electrologist, esthetician or nail technician, which years of experience immediately precede the application for an instructor's license, or have satisfactorily completed:
 - (i) A minimum six (6) month teacher's course of instruction in a school of cosmetology; or
 - (ii) A minimum three (3) month teacher's course of instruction in a school of cosmetology, if the applicant has at least two (2) years of experience as a licensed cosmetologist, electrologist, esthetician or nail technician.
- (6) To be qualified to hold an apprenticeship for purposes of this chapter, a person must:
- (a) Be at least sixteen and one-half (16 1/2) years of age;
 - (b) Have completed at least two (2) years of high school or have attained an equivalent education as determined by the board; and
 - (c) Be registered as an apprentice with the board.
- (7) To be considered a student for purposes of this chapter, a person must:

- (a) Be at least sixteen and one-half (16 1/2) years of age;
- (b) Have completed at least two (2) years of high school or have attained an equivalent education as determined by the board; and
- (c) Be registered as a student in a licensed barber school or cosmetology school.

54-5811. CERTIFICATE FOR MAKEUP ARTIST. (1) The board shall issue a certificate to an applicant if the applicant:

- (a) Completes the application form for a certificate as required by the board;
 - (b) Pays the fee as set by board rule;
 - (c) Meets the qualifications set forth in section 54-5810(1)(a), (b) and (c), Idaho Code; and
 - (d) Successfully completes instruction approved by the board of at least one hundred (100) hours in the practice of makeup artistry, including safety and infection control.
- (2) The board may set by rule the nature of the instruction, training, experience or other qualification in the practice of makeup artistry that may be credited toward the total hours of instruction required under subsection (1) of this section. Instruction may be received from, but not limited to, the following:
- (a) A cosmetology school licensed under this chapter or in another jurisdiction of the United States or in a foreign country; or
 - (b) A retail cosmetics dealer licensed under this chapter or in another jurisdiction of the United States.
- (3) The board may set by rule the number of hours that a certificated makeup artist may be credited toward the required hours for a course of instruction or apprenticeship in cosmetology or esthetics.

54-5812. LICENSE FOR RETAIL COSMETICS DEALER. (1) The board shall issue a license to a retail cosmetics dealer if the dealer:

- (a) Completes the application form for licensure as required by the board;
 - (b) Pays the license fee as required by section 54-5822, Idaho Code;
 - (c) Specifies a location within the retail cosmetics dealer's business premises as the area where the cosmetics will be sold; and
 - (d) Provides facilities and equipment in an area within the business premises to disinfect and store equipment and supplies necessary to perform any cosmetic application services provided. The required facilities and equipment shall include:
 - (i) Hot and cold running water;
 - (ii) Disinfectants registered by the United States environmental protection agency as effective against staphylococcus aureus (including methicillin-resistant staphylococcus aureus), human immunodeficiency virus and hepatitis B. All disinfectants shall be mixed, changed and used according to the manufacturers' instructions for disinfection between customer application services;
 - (iii) Single-use samples, wipes, spatulas or other dispensing techniques designed to prevent contamination of the cosmetic product;
 - (iv) A first aid kit; and
 - (v) Restroom facilities.
- (2) Upon approval of an application for license as set forth in subsection (1) of this section, the board may issue a limited license to allow the application of cosmetic products to customers' faces in connection with the sale or attempted sale of the products without compensation from the customer other than the price of the products.

(3) A license issued pursuant to this section does not entitle a business or any employee of such business to furnish any cosmetology services not specifically set forth in subsection (2) of this section.

54-5813. REGISTRATION FOR RETAIL THERMAL STYLING EQUIPMENT DEALER. The board shall issue a registration to a retail thermal styling equipment dealer if the dealer:

(1) Completes the application forms for registration as required by the board;

(2) Pays the registration fee as set by board rule;

(3) Specifies a location where the thermal styling equipment will be sold;

(4) Limits any demonstration of thermal styling equipment to styling less than a substantial portion of the customer's hair;

(5) Trains its employees on the proper and safe use of the thermal styling equipment and all disinfection related to the demonstration of the equipment prior to an employee's use of the equipment on customers; and

(6) Provides equipment and supplies in the defined area of the retail dealer's location to properly disinfect and store equipment and supplies necessary to perform any demonstration of the thermal styling equipment.

The required equipment and supplies shall include:

(a) Disinfectants registered by the United States environmental protection agency as effective against staphylococcus aureus (including methicillin-resistant staphylococcus aureus), human immunodeficiency virus and hepatitis B. All disinfectants shall be mixed, changed and used according to the manufacturers' instructions for disinfection between customer application services; and

(b) A first aid kit.

54-5814. LICENSE FOR MAKEOVER OR GLAMOUR PHOTOGRAPHY BUSINESS.

(1) The board shall issue a license to a makeover or glamour photography business that:

(a) Completes the application form for licensure as required by the board;

(b) Pays the license fee as required by section 54-5822, Idaho Code;

(c) Specifies a location within the business premises as the area where the cosmetology practices will take place; and

(d) Provides facilities and equipment in the specified area within the business premises to properly disinfect and store equipment and supplies necessary to perform any cosmetic application services provided, including the arranging of hair by use of thermal styling equipment.

The required facilities and equipment shall include:

(i) Hot and cold running water;

(ii) Disinfectants registered by the United States environmental protection agency as effective against staphylococcus aureus (including methicillin-resistant staphylococcus aureus), human immunodeficiency virus and hepatitis B. All disinfectants shall be mixed, changed and used according to the manufacturers' instructions for disinfection between customer application services;

(iii) Single-use applicators, wipes, spatulas or other dispensing techniques designed to prevent contamination of the cosmetic product;

(iv) A first aid kit; and

(v) Restroom facilities.

(2) Upon approval of an application for license as set forth in subsection (1) of this section, the board may issue a limited license for the practice of cosmetology, which license limits the business to the application of facial cosmetics incidental to the photographic service offered and which license includes the ability for the photographer or employee to ar-

range hair using combs, brushes, picks and thermal curling devices such as curling irons, crimpers or heated rollers.

(3) A license issued pursuant to this section does not entitle a business or any employee of such business to furnish any cosmetology services unless incidental to the providing of photographic services and does not entitle such an individual or business to furnish any cosmetology services not specifically set forth in subsection (2) of this section.

54-5815. SCHOOL REQUIREMENTS. (1) Every barber school or cosmetology school located in this state must:

- (a) Be licensed under the provisions of this chapter;
- (b) Employ and maintain at least one (1) licensed barber instructor or barber-stylist instructor if a barber school and one (1) licensed cosmetology instructor if a cosmetology school. A school must employ and maintain a licensed instructor for every twenty (20) students or fraction thereof, with an instructor trainee counting as an instructor for purposes of the student-instructor ratio as long as there is a licensed instructor on the premises who is available during all school hours. An instructor at an approved school must be licensed in the state of Idaho as a barber instructor, barber-stylist instructor or cosmetology instructor;
- (c) Possess sufficient apparatus and equipment for the proper and full teaching of all subjects of its curriculum;
- (d) Keep a daily attendance record for each student;
- (e) Maintain regular class and instruction hours, establish grades and hold monthly examinations;
- (f) Prescribe a school term for training in all aspects of the practice of barbering, barber-styling, cosmetology or electrology;
- (g) If a school of cosmetology, provide applicable curricula on subjects relating to cosmetology, nail technology, esthetics, electrology, instruction and haircutting as follows:
 - (i) The curriculum for cosmetology shall include hygiene; bacteriology; histology of the hair, skin, muscles, nails and nerves; structure of the head, face and neck; elementary chemistry relating to disinfection and antiseptics; diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the body; permanent waving, haircutting and arranging, dressing, coloring, bleaching and tinting of the hair; a study of electricity as applied to cosmetology; and the Idaho laws and rules governing the practice of cosmetology;
 - (ii) The curriculum for nail technology shall include hygiene; bacteriology; histology of the hands and feet, skin, muscles, nails and nerves; structure of the hands and feet; elementary chemistry relating to disinfection and antiseptics; diseases of the skin, glands and nails; massaging and manipulating the muscles of the hands and feet; a study of electricity as applied to nail technology; and the Idaho laws and rules governing the practice of nail technology;
 - (iii) The curriculum for esthetics shall include hygiene; bacteriology; histology of the skin, muscles and nerves; structure of the head, face and neck; elementary chemistry relating to disinfection and antiseptics; diseases of the skin, glands and nails; massaging and manipulating the muscles of the body; a study of electricity as applied to esthetics; and the Idaho laws and rules governing the practice of esthetics;
 - (iv) The curriculum for electrology shall include hygiene; bacteriology; histology of the hair, skin, muscles, nails and nerves; structure of the body; elementary chemistry relating to disinfection and antiseptics; diseases of the skin, hair, glands

and nails; hypertrichosis; permanent removal of unwanted hair; a study of electricity as applied to electrology, including the use and study of galvanic current and the use and study of both automatic and manual high-frequency current; and the Idaho laws and rules governing the practice of electrology;

(v) The curriculum for instructors shall include fundamentals of adult education; communication; preparation of lesson plans; practical and theoretical presentation and demonstration; use of teaching aids; measurement and evaluation; and the Idaho laws and rules governing cosmetology and electrology, in addition to teaching the occupations defined in section 54-5802, Idaho Code; and

(vi) The curriculum for haircutting shall include hygiene; bacteriology; histology of the hair, skin, muscles and nerves; structure of the head and neck; elementary chemistry relating to disinfection and antiseptics; diseases of the skin, hair and glands; massaging and manipulating of the muscles of the head and neck; haircutting and arranging hair; the study of electricity as applied to haircutting; and the Idaho laws and rules governing the practice of haircutting;

(h) If a school of barbering, provide applicable curricula on subjects relating to barbering and barber-styling as follows:

(i) The curriculum for barbers shall include hygiene; bacteriology; histology of the hair, skin, nails, muscles and nerves; structure of the head, face and neck; elementary chemistry relating to disinfection and antiseptics; diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the upper body; haircutting; shaving; arranging and dressing the hair; and the Idaho laws and rules governing the practice of barbering; and

(ii) The curriculum for barber-stylists shall include hygiene; bacteriology; histology of the hair, skin, nails, muscles and nerves; structure of the head, face and neck; elementary chemistry relating to disinfection and antiseptics; diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the upper body; haircutting; shaving; arranging, dressing, curling, waving, straightening, coloring, bleaching and tinting of the hair; and the Idaho laws and rules governing the practice of barber-styling;

(i) Denote with clarity that the establishment is a school and that work is done by students. Such facts shall be made clear to patrons of the school by signs conspicuously posted in the school and the adjoining shop, if any. Students shall not be permitted to render any chemical service to a live human until such student has completed at least five percent (5%) of the required instruction;

(j) Employ instructors who are licensed instructors in this state;

(k) Not permit any student or apprentice to receive instruction unless the school is licensed under the provisions of this chapter;

(l) Require instructors to devote their time during school or class hours to instructing students rather than to engaging in occupational practice; and

(m) Offer school hours for the purpose of instruction on at least five (5) days per week.

(2) A person receiving cosmetology training in an establishment not meeting the requirements for schools as herein set forth shall receive credit for said training as an apprentice rather than as a student, provided said training meets the requirements for apprentice training.

(3) Training received in electrology in a school shall not be recognized unless the school has been approved for such training by the board and

the school meets and maintains the requirements to train electrologists as established by board rules.

(4) Training received in esthetics in a school shall not be recognized unless the school has been approved for such training by the board and the school meets and maintains the requirements to train estheticians as established by board rules.

(5) Training received in nail technology in a school shall not be recognized unless the school has been approved for such training by the board and the school meets and maintains the requirements to train nail technicians as established by board rules.

(6) Training received in haircutting in a school shall not be recognized unless the school has been approved for such training by the board and the school meets and maintains the requirements to train haircutters as established by board rules.

(7) Every school approved by the board shall deliver to the board a bond to the state of Idaho in the sum of twenty thousand dollars (\$20,000) and shall renew the same bond annually, conditioned that such school shall continue to give its courses of instruction in accordance with the provisions of this chapter until it has completed all such courses for which students have enrolled and further conditioned that such school shall fully comply with all promises or representations made to enrolled students as an inducement to such students to enroll. The bond must be in a form approved by the board and must be executed by a corporate surety company duly authorized to do business in this state. Any student so enrolled who may be damaged by reason of the failure of such school to comply with such conditions shall have a right of action in the student's own name on such bonds for such damage.

54-5816. ENDORSEMENT LICENSURE. (1) The board, upon application and the payment of the required fee, may issue a license, certificate or registration by endorsement, without examination, to a person who is at least eighteen (18) years of age and of good moral character who has completed two (2) years of high school or an equivalent education as determined by the board, who holds a certificate of qualification or a license issued to that person by the proper authority of any state, territory or possession of the United States or of a foreign country, and who either:

(a) Provides official documentation that the requirements for licensure or certification under which the license or certificate was issued are of a standard not lower than those specified in this chapter; or

(b) Provides official documentation that said person has practiced the pursuit for which licensure is requested for at least one (1) year of the last three (3) years immediately prior to such application.

(2) The board or its agent shall evaluate each application for license or certificate by endorsement.

54-5817. PRACTICE OF COSMETOLOGY APPRENTICE. No cosmetology apprentice may practice independently. A cosmetology apprentice may perform any and all acts necessary for training in the cosmetology profession within the scope of this chapter when such acts are performed in compliance with board rule, including immediate personal supervision of the apprentice by a licensed instructor. Barber or cosmetology establishments employing apprentices shall keep a daily work record of the attendance of such apprentices and shall, upon the termination of such apprenticeship, certify to the board the total number of hours worked and the types of instruction given to the apprentice.

54-5818. ESTABLISHMENTS -- INSPECTION RULES. Inspections for the purpose of enforcing the provisions of this chapter shall be made by the board. The board shall have authority to prescribe safety, disinfection and sanitary requirements for barber and cosmetology establishments, retail cosmet-

ics dealers, retail thermal styling equipment dealers and barber and cosmetology schools as such requirements apply to the nature of the work performed. The officers of the board or its agents shall have authority to enter and inspect at any time during business hours any barber or cosmetology establishment, retail cosmetics dealer, retail thermal styling equipment dealer, barber or cosmetology school or other location where barber-styling or cosmetology services are being provided. A copy of the rules adopted by the board shall be furnished by the board to the owner or manager of each establishment, retail cosmetics dealer, retail thermal styling equipment dealer, or school.

54-5819. DISINFECTION. (1) Except as otherwise provided in subsection (2) of this section, all instruments used by persons practicing pursuant to this chapter shall, after cleaning and prior to use on each patron, be disinfected with disinfectants registered by the United States environmental protection agency as effective against staphylococcus aureus (including methicillin-resistant staphylococcus aureus), human immunodeficiency virus and hepatitis B. All disinfectants shall be mixed, changed and used according to the manufacturers' instructions for disinfection between each patron.

(2) Nail instruments that are intended for single use or that are porous shall be disposed of after each use on a patron.

(3) Every precaution shall be taken by persons practicing pursuant to this chapter to prevent the transfer of disease-causing pathogens between people.

54-5820. ISSUANCE AND DISPLAY OF LICENSE, CERTIFICATE OR REGISTRATION. The board shall issue a license, certificate or registration and certificate of licensure to applicants who have successfully met the qualifications for licensure, certification or registration. Every holder of a license, certificate or registration shall display it in a publicly conspicuous place adjacent to or near the area where the practice is conducted. An establishment license must be publicly displayed at all times during the term of licensure in the establishment for which it is issued.

54-5821. RENEWAL AND REINSTATEMENT OF LICENSE AND REGISTRATION. All licenses or registrations issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal and fees. License or registration renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code.

54-5822. FEES. (1) Any fee required pursuant to this chapter, including fees for original licenses, certificates, registrations, permits, annual renewals, and licenses, certificates and registrations by endorsement, shall be set by board rule in amounts not to exceed the following:

(a) Fifty dollars (\$50.00) for:

(i) An original license, certificate or registration for an establishment, a retail cosmetics dealer, a retail thermal styling equipment dealer, a makeover or glamour photography business, a barber, a barber-stylist, a cosmetologist, a nail technician, an instructor, an electrologist, an esthetician, a makeup artist or a haircutter; and

(ii) Renewal of a license or registration for an establishment, a retail cosmetics dealer, a retail thermal styling equipment dealer, a makeover or glamour photography business, a barber, a barber-stylist, a cosmetologist, a nail technician, an instructor, an electrologist, an esthetician or a haircutter;

- (b) One hundred dollars (\$100) for a license, certificate or registration by endorsement;
- (c) Five hundred dollars (\$500) for an original license for a barber school or a cosmetology school;
- (d) One hundred fifty dollars (\$150) for renewal of a license for a barber school or a cosmetology school; and
- (e) Twenty dollars (\$20.00) for an apprentice permit (no renewal fee is required).

(2) The fee for an examination, when required, shall be equal to the fee charged by the national examining entity.

(3) Fees shall not be prorated or returnable.

(4) All fees received by the board under the provisions of this chapter shall be nonrefundable and shall be deposited in the state treasury to the credit of the occupational license account in the dedicated fund, and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the account for such purposes. The fees collected under this chapter shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding.

54-5823. REFUSAL, REVOCATION OR SUSPENSION OF LICENSE, CERTIFICATE OR REGISTRATION -- SANCTIONS. The board may refuse to issue or renew a license, certificate or registration, may suspend or revoke a license, certificate or registration, or may otherwise sanction a licensee, certificant or registrant or impose education, training or supervision on a licensee, certificant or registrant if the licensee, certificant or registrant:

- (1) Is convicted of a felony as evidenced by a certified copy of the record of the court of conviction;
- (2) Commits malpractice or is otherwise professionally incompetent;
- (3) Knowingly practices the licensee's, certificant's or registrant's occupation while having an infectious or contagious disease, except as approved by a physician licensed under chapter 18, title 54, Idaho Code;
- (4) Advertises by means of knowingly false or deceptive statements;
- (5) Is habitually intoxicated, uses illegal drugs, or deliberately misuses or abuses prescription drugs;
- (6) Commits unprofessional conduct as defined by rule;
- (7) Fraudulently applies for or obtains a license, certificate or registration;
- (8) Violates a provision of this chapter or a rule adopted pursuant to this chapter;
- (9) Has had an occupational license, certificate or registration suspended or revoked in any jurisdiction; or
- (10) Fails to comply with a board order entered in a disciplinary matter.

54-5824. BARBER POLES. Only persons licensed pursuant to the provisions of this chapter as a barber or barber-stylist may:

- (1) Hold themselves out to the public, solicit business or advertise as a licensed barber or as operating a licensed barbershop;
- (2) Use the title or designation "barber" or "barbershop" under circumstances that would create or tend to create the impression to members of the general public that the person is a licensed barber, is a licensed barber-stylist, or is operating a licensed barbershop; or
- (3) Place a barber pole in a location that would create or tend to create the impression to members of the general public that a business located near the barber pole is a barbershop, unless the business is a licensed cosmetology establishment that is leasing space to or employing a licensed barber or a licensed barber-stylist. As used in this section, "barber pole" means a red and white striped vertical cylinder with a ball located on top of the

cylinder or any object of a similar nature, regardless of its actual shape or coloring, that would create or tend to create the impression to members of the general public that a business located near the object is a barbershop.

54-5825. PRIOR BOARDS AND LICENSEES. The rights, obligations and authority of the board of barber examiners and the board of cosmetology, as they existed prior to the adoption of this chapter, shall be vested in the barber and cosmetology services licensing board created by this chapter. Persons who qualified for licensure under chapters 5 and 8, title 54, Idaho Code, as repealed by this act, shall be entitled to renew their licenses under this chapter.

54-5826. CERTAIN ACTS PROHIBITED. The following acts shall be misdemeanors:

- (1) Violating a provision of this chapter;
- (2) Permitting any person in one's employ, supervision or control to practice barbering, barber-styling, cosmetology or electrology or to practice as an apprentice or student, if that person has not complied with the provisions of this chapter;
- (3) Obtaining or attempting to obtain a registration, certificate or license for money other than the required fee or any other thing of value or by fraudulent misrepresentation;
- (4) Practicing or offering to practice any of the occupations defined in this chapter, unless licensed, certificated or registered or otherwise exempt as herein provided; and
- (5) Maintaining or operating a barber or cosmetology establishment, a retail cosmetics dealer facility, a retail thermal styling equipment dealer facility, a barber school or a cosmetology school, unless such facility is licensed or registered as herein provided.

54-5827. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

SECTION 4. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601. DEPARTMENT CREATED -- ORGANIZATION -- BUREAU OF OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of self-governing agencies. The department shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall consist of the following:

- (a) Agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; the Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; ~~the Idaho aquaculture commission, as provided by chapter 44, title 22, Idaho Code;~~ and the Idaho alfalfa and clover seed commission, as provided in chapter 42, title 22, Idaho Code.
- (b) Professional and occupational licensing boards: Idaho state board of accountancy, as provided by chapter 2, title 54, Idaho Code;

board of acupuncture, as provided by chapter 47, title 54, Idaho Code; board of architectural examiners, as provided by chapter 3, title 54, Idaho Code; state athletic commission, as provided by chapter 4, title 54, Idaho Code; ~~board of barber examiners, as provided by chapter 5, title 54, Idaho Code;~~ board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board of chiropractic physicians, as provided by chapter 7, title 54, Idaho Code; ~~Idaho board of cosmetology, as provided by chapter 8, title 54, Idaho Code;~~ Idaho state licensing board of professional counselors and marriage and family therapists, as provided by chapter 34, title 54, Idaho Code; state board of dentistry, as provided by chapter 9, title 54, Idaho Code; state board of denturistry, as provided by chapter 33, title 54, Idaho Code; Idaho board of licensure of professional engineers and professional land surveyors, as provided by chapter 12, title 54, Idaho Code; state board of registration for professional geologists, as provided by chapter 28, title 54, Idaho Code; speech and hearing services licensure board, as provided by chapter 29, title 54, Idaho Code; Idaho physical therapy licensure board, as provided by chapter 22, title 54, Idaho Code; Idaho state board of landscape architects, as provided by chapter 30, title 54, Idaho Code; liquefied petroleum gas safety board, as provided by chapter 53, title 54, Idaho Code; state board of medicine, as provided by chapter 18, title 54, Idaho Code; state board of morticians, as provided by chapter 11, title 54, Idaho Code; board of naturopathic medical examiners, as provided by chapter 51, title 54, Idaho Code; board of nursing, as provided by chapter 14, title 54, Idaho Code; board of examiners of nursing home administrators, as provided by chapter 16, title 54, Idaho Code; state board of optometry, as provided by chapter 15, title 54, Idaho Code; Idaho outfitters and guides licensing board, as provided by chapter 21, title 36, Idaho Code; board of pharmacy, as provided by chapter 17, title 54, Idaho Code; state board of podiatry, as provided by chapter 6, title 54, Idaho Code; Idaho state board of psychologist examiners, as provided by chapter 23, title 54, Idaho Code; Idaho real estate commission, as provided by chapter 20, title 54, Idaho Code; real estate appraiser board, as provided by chapter 41, title 54, Idaho Code; board of social work examiners, as provided by chapter 32, title 54, Idaho Code; the board of veterinary medicine, as provided by chapter 21, title 54, Idaho Code; the board of examiners of residential care facility administrators, as provided by chapter 42, title 54, Idaho Code; the certified shorthand reporters board, as provided by chapter 31, title 54, Idaho Code; the driving businesses licensure board, as provided by chapter 54, title 54, Idaho Code; the board of drinking water and wastewater professionals, as provided by chapter 24, title 54, Idaho Code; and the board of midwifery, as provided by chapter 55, title 54, Idaho Code; and the barber and cosmetology services licensing board, as provided by chapter 58, title 54, Idaho Code.

(c) The board of examiners, pursuant to section 67-2001, Idaho Code.

(d) The division of building safety: building code board, chapter 41, title 39, Idaho Code; electrical board, chapter 10, title 54, Idaho Code; public works contractors license board, chapter 19, title 54, Idaho Code; plumbing board, chapter 26, title 54, Idaho Code; public works construction management, chapter 45, title 54, Idaho Code; the heating, ventilation and air conditioning board, chapter 50, title 54, Idaho Code; and factory built structures advisory board, chapter 43, title 39, Idaho Code.

(e) The division of veterans services to be headed by a division administrator who shall be a nonclassified employee exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of the division shall administer the provisions of chapter 2, title 65, Idaho

Code, and chapter 9, title 66, Idaho Code, with the advice of the veterans affairs commission established under chapter 2, title 65, Idaho Code, and shall perform such additional duties as are imposed upon him by law.

(f) The board of library commissioners, pursuant to section 33-2502, Idaho Code.

(g) The Idaho state historical society, pursuant to section 67-4123, Idaho Code.

(h) The state public defense commission, pursuant to section 19-849, Idaho Code.

(3) The bureau of occupational licenses is hereby created within the department of self-governing agencies.

SECTION 5. That Section 67-2602, Idaho Code, be, and the same is hereby amended to read as follows:

67-2602. BUREAU OF OCCUPATIONAL LICENSES. (1) The bureau of occupational licenses created in the department of self-governing agencies by section 67-2601, Idaho Code, shall be empowered, by written agreement between the bureau and each agency for which it provides administrative or other services as provided by law, to provide such services for the board of acupuncture, board of architectural examiners, athletic commission, ~~board of barber examiners~~, certified shorthand reporters board, board of chiropractic physicians, Idaho contractors board, ~~board of cosmetology~~, licensing board of professional counselors and marriage and family therapists, state board of dentistry, drinking water and wastewater professionals, state driving businesses licensure board, Idaho board of massage therapy, Idaho board of registration for professional geologists, speech and hearing services licensure board, physical therapy licensure board, board of landscape architects, liquefied petroleum gas safety board, board of morticians, board of naturopathic medical examiners, board of examiners of nursing home administrators, occupational therapy licensure board, board of optometry, board of podiatry, board of psychologist examiners, real estate appraiser board, board of examiners of residential care facility administrators, board of social work examiners, board of midwifery, barber and cosmetology services licensing board and such other professional and occupational licensing boards or commodity commissions as may request such services. The bureau may charge a reasonable fee for such services provided any agency not otherwise provided for by law and shall maintain proper accounting methods for all funds under its jurisdiction.

(2) Notwithstanding the statutes governing specific boards, for any board that contracts with the bureau of occupational licenses, each board member shall hold office until a successor has been duly appointed and qualified.

(3) The department of self-governing agencies, by and through the bureau of occupational licenses, shall be empowered to provide administrative or other services for the administration of chapter 48, title 54, Idaho Code, to issue, suspend, revoke or refuse to renew licenses and certificates, to issue subpoenas, to prescribe and impose fees and to assess administrative penalties pursuant to the provisions of chapter 48, title 54, Idaho Code.

(4) Agencies that contract with the bureau of occupational licenses for administrative services may assess and the bureau may collect costs, fees and attorney's fees reasonably incurred in the investigation and prosecution of a licensee or registrant who is found to have violated the laws or rules of the agency.

CHAPTER 229
(S.B. No. 1347)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2019; PROVIDING FOR EXPENDITURES TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2019; APPROPRIATING GENERAL FUND MONIES FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2019; AND AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR ADMINISTRATORS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Administrators for the period July 1, 2018, through June 30, 2019:

FROM:

General Fund \$93,724,700

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2018, through June 30, 2019:

FROM:

General Fund \$93,724,700

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Administrators the following amount to be expended from the listed fund for the period July 1, 2018, through June 30, 2019:

FROM:

Public School Income Fund \$93,724,700

SECTION 4. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

(1) To determine the apportionment for instructional staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(2) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive

two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board-certified instructional staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board-certified teachers as of July 1 of each year.

(3) To determine the apportionment for pupil service staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. If the district does not employ any pupil service staff, the district's pupil service staff average salary shall equal the district's instructional staff average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(4) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. The district administrative staff index shall be multiplied by the base salary of ~~thirty-fivesix~~ thirty-two ~~thirty-two~~ eighty-six dollars (\$~~35,132~~36,186). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(5) To determine the apportionment for classified staff, multiply twenty thousand four hundred twenty-one dollars (\$20,421) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(6) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3), (4) and (5) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

Approved March 22, 2018

CHAPTER 230
(S.B. No. 1348)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2019; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2019; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2019; DIRECTING THE USE OF MONEYS FOR PROFESSIONAL DEVELOPMENT; DEFINING THE TERM "DISTRIBUTED"; AND PROVIDING LEGISLATIVE INTENT REGARDING THE COLLEGE AND CAREER ADVISORS AND STUDENT MENTORS PROGRAM.

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program/Division of Teachers for the period July 1, 2018, through June 30, 2019:

FROM:

General Fund	\$955,079,600
Federal Grant Fund	<u>15,000,000</u>
TOTAL	\$970,079,600

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2018, through June 30, 2019:

FROM:

General Fund	\$955,079,600
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Teachers the following amounts to be expended from the listed funds for the period July 1, 2018, through June 30, 2019:

FROM:

Public School Income Fund	\$955,079,600
Federal Grant Fund	<u>15,000,000</u>
TOTAL	\$970,079,600

SECTION 4. PROFESSIONAL DEVELOPMENT. It is the intent of the Legislature that of the moneys appropriated in Section 3 of this act, \$17,850,000 shall be distributed for professional development that supports instructors and pupil services staff to increase student learning, mentoring, and collaboration. Professional development efforts should be measurable, provide the instructors and pupil services staff with a clear understanding of their progress, be incorporated into their performance evaluations and, to the extent possible, be included in the school district or charter school continuous improvement plans required by Section 33-320, Idaho Code. Funding shall be distributed by a formula prescribed by the Superintendent of Public Instruction and the Superintendent of Public Instruction shall

track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 5. DEFINITION. It is the intent of the Legislature that, for the purposes of this act, the term "distributed" means moneys that are transferred to school districts and public charter schools, with no funds withheld for any other contract or administrative costs.

SECTION 6. COLLEGE AND CAREER ADVISORS AND STUDENT MENTORS PROGRAM. It is the intent of the Legislature that the College and Career Advisors and Student Mentors Program have an independent, external evaluation. The results of the evaluation shall be reported to the Joint Finance-Appropriations Committee and the Senate and House Education committees no later than February 1, 2019, on the program design, uses of funds, program effectiveness, and any other relevant matters.

Approved March 22, 2018

CHAPTER 231
(S.B. No. 1350)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2019; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2019; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2019; PROVIDING LEGISLATIVE INTENT REGARDING THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF APPROPRIATION FOR REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR LIMITED-ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF FUNDS FOR GIFTED AND TALENTED STUDENTS; DIRECTING A DISTRIBUTION TO PURCHASE DIGITAL CONTENT AND CURRICULUM; DIRECTING THE STATE DEPARTMENT OF EDUCATION TO COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; PROVIDING A TRANSFER TO THE COMMISSION ON HISPANIC AFFAIRS; PROVIDING A TRANSFER TO IDAHO STATE POLICE; DEFINING THE TERM "DISTRIBUTED"; PROVIDING LEGISLATIVE INTENT REGARDING LITERACY INTERVENTION PROGRAMS; AND PROVIDING LEGISLATIVE INTENT REGARDING THE MASTERY-BASED EDUCATION PROGRAM.

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program/Division of Children's Programs for the period July 1, 2018, through June 30, 2019:

FROM:

General Fund	\$56,904,700
Cigarette, Tobacco and Lottery Income Taxes	4,024,900
Federal Grant Fund	<u>249,115,000</u>
TOTAL	\$310,044,600

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2018, through June 30, 2019:

FROM:

General Fund	\$56,904,700
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Children's Programs the following amounts to be expended from the listed funds for the period July 1, 2018, through June 30, 2019:

FROM:

Public School Income Fund	\$60,929,600
Federal Grant Fund	<u>249,115,000</u>
TOTAL	\$310,044,600

SECTION 4. IDAHO DIGITAL LEARNING ACADEMY. The Idaho Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall utilize state appropriated funds for the period July 1, 2018, through June 30, 2019, to achieve the following:

(1) Tuition charged by IDLA to Idaho school districts and charter schools shall not exceed \$75.00 per enrollment.

(2) Provide remedial coursework for students failing to achieve proficiency in one (1) or more areas of Idaho's standards-based tests.

(3) Pursuant to State Board of Education rule, IDAPA 08.02.03, provide advanced learning opportunities for students.

(4) Pursuant to State Board of Education rule, IDAPA 08.02.03, work with institutions of higher education to provide dual credit coursework. The preceding list shall not be construed as excluding other instruction and training that may be provided by the Idaho Digital Learning Academy.

SECTION 5. TOBACCO, CIGARETTE AND LOTTERY DISTRIBUTION. Notwithstanding the provisions of any law to the contrary, of the moneys appropriated in Section 3 of this act, up to \$4,024,900 from available tobacco, cigarette, and lottery income tax revenue funds accruing, appropriated, or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, and 63-3067, Idaho Code, for the period July 1, 2018, through June 30, 2019, shall be distributed to school districts and charter schools through a combination of a base amount of \$2,000 plus a prorated amount based on the prior year's average daily attendance. Such funds shall be used to develop and implement school safety improvements and/or to facilitate and provide substance abuse prevention programs in the public school system.

SECTION 6. REMEDIAL COURSEWORK. Of the moneys appropriated in Section 3 of this act, \$4,715,000 shall be distributed for remedial coursework for students failing to achieve proficiency on Idaho's standards-based achievement tests in dollar amounts determined by the Superintendent of Public Instruction. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the Senate and House Education committees by no later than February 1, 2020, on the uses of funds and effectiveness of the programs and efforts.

SECTION 7. ENGLISH PROFICIENCY. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 3 of this act, \$4,820,000 shall be distributed for support of programs for students with non-English or limited-English proficiency, as follows:

(1) The Superintendent of Public Instruction shall distribute \$4,370,000 to school districts pro rata, based on the population of limited-English proficient students under criteria established by the department.

(2) The Superintendent of Public Instruction shall distribute \$450,000 for a competitive grant program to assist school districts in which the population of English language learners must meet Annual Measurable Achievement Objectives (AMAOs) in math or reading, as defined by federal law. This amount shall be distributed annually to school districts in three-year grant cycles, contingent on appropriation and the ability of grantees to meet program objectives.

(3) The Superintendent of Public Instruction shall develop the program elements and objectives governing the use of these funds and include a program evaluation component. The purpose of these funds is to improve student English language skills to allow for better access to the educational opportunities offered in public schools. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the Senate and House Education committees by no later than February 1, 2020, on the program design, uses of funds and program effectiveness.

SECTION 8. GIFTED AND TALENTED. Of the funds appropriated in Section 3 of this act, \$1,000,000 shall be distributed by the Superintendent of Public Instruction for professional training and screening for gifted and talented students and instructors. Funding will be distributed based on a formula prescribed by the Superintendent of Public Instruction that includes a base amount and an amount based on the number of identified gifted and talented students.

SECTION 9. DIGITAL CONTENT. Of the funds appropriated in Section 3 of this act, \$950,000 shall be distributed by the Superintendent of Public Instruction to school districts and charter schools to purchase digital content and curriculum of their choice. Funding will be distributed based on a formula prescribed by the Superintendent of Public Instruction that includes a base amount and an amount based on the number of mid-term support units.

SECTION 10. ADVANCED OPPORTUNITIES COURSES. It is the intent of the Legislature that the Superintendent of Public Instruction shall compile information concerning the numbers of students enrolling in advanced opportunities courses according to the provisions of Chapter 16, Title 33, Idaho Code, whether coursework is successfully completed, and expenditures for fiscal year 2019. As nearly as possible, the report shall contain information about enrollment of this student population in post-high school education. A report containing such information shall be posted on the website of the State Department of Education no later than December 31, 2020.

SECTION 11. PUBLIC SCHOOL INCOME FUND TRANSFER TO COMMISSION ON HISPANIC AFFAIRS. There is hereby appropriated and the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2018, or as soon thereafter as practicable, \$80,000 from the Public School Income Fund to the Commission on Hispanic Affairs Miscellaneous Revenue Fund to be used for substance abuse prevention efforts in collaboration with the State Department of Education.

SECTION 12. PUBLIC SCHOOL INCOME FUND TRANSFER TO IDAHO STATE POLICE. There is hereby appropriated and the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2018, or as soon thereafter as practicable, \$200,000 from the Public School Income Fund to the Idaho State Police Miscellaneous Revenue Fund for the purpose of increasing toxicology lab capacity in Forensic Services.

SECTION 13. DEFINITION. For the purposes of this appropriation, the term "distributed" means moneys that are transferred to school districts, public charter schools, and the Idaho Digital Learning Academy, with no funds withheld for any other contract or administrative costs.

SECTION 14. LITERACY INTERVENTION PROGRAMS. It is the intent of the Legislature that the Literacy Intervention Program(s) have an independent, external evaluation. The results of the evaluation shall be reported to the Joint Finance-Appropriations Committee and the Senate and House Education committees no later than February 1, 2019, on the program design, uses of funds, program effectiveness, and any other relevant matters.

SECTION 15. MASTERY-BASED EDUCATION PROGRAM. It is the intent of the Legislature that the Mastery-Based Education Program have an independent, external evaluation. The results of the evaluation shall be reported to the Joint Finance-Appropriations Committee and the Senate and House Education committees no later than February 1, 2019, on the program design, uses of funds, program effectiveness, and any other relevant matters.

Approved March 22, 2018

CHAPTER 232
(S.B. No. 1351)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2019; APPROPRIATING MON- EYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FA- CILITIES FOR FISCAL YEAR 2019; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; SPECIFYING THE AMOUNT OF REVENUE DIS- TRIBUTED TO THE GENERAL FUND FOR FISCAL YEAR 2019; AND MAKING A TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2019.

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

SECTION 1. There is hereby appropriated to the Public Schools Educa- tional Support Program/Division of Facilities the following amounts to be expended from the listed funds for the period July 1, 2018, through June 30, 2019:

FROM:

General Fund	\$22,186,500
Bond Levy Equalization Fund	12,796,700
School District Building Account	<u>18,562,500</u>
TOTAL	\$53,545,700

SECTION 2. TRANSFER. Of the moneys appropriated to the Public Schools Educational Support Program/Division of Facilities, the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated to the Bond Levy Equalization Fund. If the funding appropri- ated in Section 1 of this act is insufficient to meet the requirements of Sec- tion 33-906, Idaho Code, the difference shall be withdrawn and paid from the Public Education Stabilization Fund, notwithstanding any other provision of law to the contrary.

SECTION 3. DISTRIBUTION TO THE GENERAL FUND. Notwithstanding the provisions of Section 63-2520(b)(4), Idaho Code, the amount of revenue distributed to the General Fund shall be \$10,387,800 for the period July 1, 2018, through June 30, 2019.

SECTION 4. TRANSFER FOR PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM. Of the moneys appropriated in Section 1 of this act, there is hereby appropriated and the State Controller shall transfer \$11,798,700 from the General Fund to the Public School Income Fund to be expended for the Public Schools Educational Support Program/Division of Facilities for the period July 1, 2018, through June 30, 2019.

Approved March 22, 2018

CHAPTER 233
(S.B. No. 1352)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2019; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2019; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2019; DIRECTING THE USE OF FUNDS FOR LITERACY PROGRAMS, INTERVENTION SERVICES, MATH INITIATIVE PROGRAMS, AND LIMITED-ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF FUNDS FOR STUDENT ASSESSMENTS; DIRECTING THE USE OF FUNDS FOR PROFESSIONAL DEVELOPMENT; PROVIDING LEGISLATIVE INTENT FOR DIGITAL CONTENT AND CURRICULUM; PROVIDING GUIDANCE ON YEAR-END RECONCILIATION; PROVIDING LEGISLATIVE INTENT FOR TECHNOLOGY CONTENT AND CURRICULUM; DEFINING THE TERMS "DISTRIBUTED" AND "EXPENDED"; AND PROVIDING DIRECTION ON DISTRIBUTION AND EXPENDITURE OF FUNDS.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Central Services for the period July 1, 2018, through June 30, 2019:

FROM:

General Fund	\$14,475,300
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SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2018, through June 30, 2019:

FROM:

General Fund	\$14,475,300
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Central Services the following amount to be expended for operating expenditures from the listed fund for the period July 1, 2018, through June 30, 2019:

	FOR OPERATING EXPENDITURES	TOTAL
FROM:		
Public School Income		
Fund	\$14,475,300	\$14,475,300

SECTION 4. PROGRAM SUPPORT. Of the moneys appropriated in Section 3 of this act, up to \$2,775,300 shall be expended for the support of literacy programs, intervention services for non-Title I schools that fail to achieve proficiency on Idaho's standards-based achievement tests, math initiative programs and regional math labs, and evaluation of the programs for students with non-English or limited-English proficiency. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee by no later than February 1, 2020, on the uses of funds and effectiveness of the programs and efforts.

SECTION 5. STUDENT ASSESSMENTS. Of the moneys appropriated in Section 3 of this act, the Superintendent of Public Instruction may expend up to \$3,100,000 for the development or administration of student assessments, including a college entrance exam for grade 11 students, an exam for grade 10 students that provides preparation for the college entrance exam, and end-of-course exams for high school science subjects.

SECTION 6. PROFESSIONAL DEVELOPMENT. Of the moneys appropriated in Section 3 of this act, the Superintendent of Public Instruction may expend up to \$2,700,000 for professional development, teacher training, and to track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 7. CONTENT AND CURRICULUM - DIGITAL CONTENT. Of the moneys appropriated in Section 3 of this act, up to \$4,100,000 may be expended for the purchase of content and curriculum that includes up to \$650,000 to provide a statewide approach for credit recovery and an alternative pathway to graduation, up to \$1,200,000 for adaptive math instruction, and up to \$2,250,000 for research-based programs to assist with the instruction of students with non-English or limited-English proficiency.

SECTION 8. YEAR-END RECONCILIATION. If the funds appropriated and transferred to the Public School Income Fund and the funds appropriated from the General Fund in Section 1 of this act exceed the actual expenditures for the specified purposes, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any other provisions of law to the contrary. If the funding amounts specified in Section 5 of this act are insufficient to meet the actual expenditures, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any other provisions of law to the contrary.

SECTION 9. CONTENT AND CURRICULUM - TECHNOLOGY. Of the funds appropriated in Section 3 of this act, an amount not to exceed \$1,300,000 may be expended by the Superintendent of Public Instruction to contract for ser-

VICES that provide technology education opportunities and/or information technology certifications to students, including faculty, that prepare students for college, career, or the workplace. Funding shall be awarded for projects that include three (3) or more of the following components:

- (1) Certification of skills and competencies;
- (2) Professional development for teachers;
- (3) Integration with curriculum standards;
- (4) Online access to research-based content and curriculum; or
- (5) Instructional software for classroom use.

The Superintendent of Public Instruction shall provide a report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee by February 1, 2019, regarding the number and type of certificates earned by students and faculty.

SECTION 10. DEFINITION. For the purposes of this act, the term "distributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administrative costs. The term "expended" means moneys that pay for the cost of contracts that provide services to school districts, public charter schools or students, or that pay for the State Department of Education's cost of administering the programs for which the moneys are allocated.

SECTION 11. DISTRIBUTIONS. Of the moneys appropriated in Section 3 of this act, none shall be distributed or expended for a statewide wireless contract or for wireless technology infrastructure.

Approved March 22, 2018

CHAPTER 234
(S.B. No. 1353)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2019; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2019; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; AND APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2019.

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program/Division of Educational Services for the Deaf and the Blind for the period July 1, 2018, through June 30, 2019:

FROM:

General Fund	\$10,454,900
Miscellaneous Revenue Fund	109,200
School for the Deaf and the Blind Endowment Fund	191,800
Federal Grant Fund	<u>223,500</u>
TOTAL	\$10,979,400

SECTION 2. There is hereby appropriated and the State Controller shall transfer \$10,454,900 from the General Fund to the Public School Income Fund for the period July 1, 2018, through June 30, 2019.

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Educational Services for the Deaf and the Blind the following amounts to be expended from the listed funds for the period July 1, 2018, through June 30, 2019:

FROM:

Public School Income Fund	\$10,454,900
Miscellaneous Revenue Fund	109,200
School for the Deaf and the Blind Endowment Fund	191,800
Federal Grant Fund	<u>223,500</u>
TOTAL	\$10,979,400

Approved March 22, 2018

CHAPTER 235
(H.B. No. 401)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS.

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

SECTION 1. That Section 59-1302, Idaho Code, be, and the same is hereby amended to read as follows:

59-1302. DEFINITIONS. (1) As used in this chapter, 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.

(2) "Active member" means any employee who is not establishing the right to receive benefits through his or her employer's participation in any other retirement system established for Idaho public employees, if such participation is mandated by applicable Idaho statutes other than this chapter. In no case will an employee be entitled to any benefit under this chapter for public service if such employee is establishing retirement benefit entitlements by other Idaho statutes or federal statutes other than military service or social security for that same service.

(3) "Accumulated contributions" means the sum of amounts contributed by a member of the system, together with regular interest credit thereon.

(4) "Actuarial equivalent" means a benefit equal in value to another benefit, when computed upon the basis of the actuarial tables in use by the system.

(5) "Actuarial tables" means such tables as shall have been adopted by the board in accordance with recommendations of the actuary.

(5A) "Alternate payee" means a spouse or former spouse of a member who is recognized by an approved domestic retirement order as having a right to all or a portion of the accrued benefits in the retirement system with respect to such member.

(5B) "Approved domestic retirement order" means a domestic retirement order which that creates or recognizes the existence of an alternate payee's right or assigns to an alternate payee the right to all or a portion of the

accrued benefits of a member under the retirement system, which that directs the system to establish a segregated account or disburse benefits to an alternate payee, and which that the executive director of the retirement system has determined meets the requirements of sections 59-1319 and 59-1320, Idaho Code.

(5C) "Average monthly salary" means the member's average salary during the base period as calculated pursuant to rules adopted by the retirement board.

(5D) (a) "Base period" means the period of fifty-four (54) consecutive calendar months during which the member earned:

- (i) The highest average salary; and
- (ii) Membership service of at least one-half (1/2) the number of months in the period, excluding months of service attributable to:
 - A. Military service;
 - B. Service qualifying as minimum benefit pursuant to section 59-1342(5), Idaho Code; and
 - C. Worker's compensation income benefits.

(b) Effective October 1, 1993, the consecutive calendar months shall be forty-eight (48). Effective October 1, 1994, the consecutive calendar months shall be forty-two (42).

(c) Entitlement to a base period shall not vest until the effective date of that base period. The retirement benefits shall be calculated on the amounts, terms and conditions in effect at the date of the final contribution by the member.

(d) If no base period exists for a member, the member's average monthly salary shall be determined by the board, using standards not inconsistent with those established in this subsection.

(e) To assure equitable treatment for all members, salary increments inconsistent with usual compensation patterns may be disallowed by the board in determining average monthly salary and base period.

(6) "Beneficiary" means the person who is nominated by the written designation of a member, duly executed and filed with the board, to receive the death benefit.

(7) "Calendar year" means twelve (12) calendar months commencing on the first day of January.

(7A) "Contingent annuitant" means the person designated by a member under certain retirement options to receive benefit payments upon the death of the member. The person so designated must be born and living on the effective date of retirement.

(8) "Credited service" means the aggregate of membership service, prior service and disabled service.

(9) "Date of establishment" means July 1, 1965, or a later date established by the board or statute.

(10) "Death benefit" means the amount, if any, payable upon the death of a member.

(11) "Disability retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible a member who meets all applicable eligibility requirements for disability retirement.

(12) "Disabled" means:

(a) That the member is prevented from engaging in any occupation or employment for remuneration or profit as a result of bodily injury or disease, either occupational or nonoccupational in cause, but excluding disabilities resulting from service in the armed forces of any country other than the United States, or from an intentionally self-inflicted injury; and

(b) That the member will likely remain so disabled permanently and continuously during the remainder of the member's life.

It is not necessary that a person be absolutely helpless or entirely unable to do anything worthy of compensation to be considered disabled. If the person is so disabled that substantially all the avenues of employment are reasonably closed to the person, that condition is within the meaning of "disabled." In evaluating whether a person is disabled, medical factors and non-medical factors including, but not limited to, education, economic and social environment, training and usable skills may be considered.

Refusal to submit to a medical examination ordered by the board before the commencement of a disability retirement allowance or at any reasonable time thereafter shall constitute proof that the member is not disabled. The board shall be empowered to select for such medical examination one (1) or more physicians or surgeons who are licensed to practice medicine and perform surgery. The fees and expenses of such examination shall be paid from the administration account of the fund. No member shall be required to undergo such examination more often than once each year after he has received a disability retirement allowance continuously for two (2) years.

(12A) "Disabled service" means the total number of months elapsing from the first day of the month next succeeding the final contribution of a member prior to receiving a disability retirement allowance to the first day of the month following the date of termination of such disability retirement allowance. During such period, the member shall remain classified in the membership category held during the month of final contribution. The total number of months of disabled service credited for a person first becoming disabled after the effective date of this chapter shall not exceed the excess, if any, of three hundred sixty (360) over the total number of months of prior service and membership service.

(12B) "Domestic retirement order" means any judgment, decree, or order, including approval of a property settlement agreement which that relates to the provision of marital property rights to a spouse or former spouse of a member, and is made pursuant to a domestic relations law, including the community property law of the state of Idaho or of another state.

(13) "Early retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible a member who meets all applicable eligibility requirements for early retirement.

(14) (A) "Employee" means:

(a) Any person who normally works twenty (20) hours or more per week for an employer, or a school teacher schoolteacher who works half-time or more for an employer and who receives salary for services rendered for such employer;

(b) Elected officials or appointed officials of an employer who receive a salary;

(c) A person who is separated from service with less fewer than five (5) consecutive months of employment and who is reemployed or reinstated by the same employer within thirty (30) days; or

(d) A person receiving differential wage payments as defined in 26 U.S.C. 3401(h) on or after July 1, 2009. A differential wage payment generally refers to an employer payment to an employee called to active duty in the uniformed services for more than thirty (30) days that represents all or a portion of the compensation he would have received from the employer if he were performing services for the employer.

(B) "Employee" does not include employment as:

(a) A person rendering service to an employer in the capacity of an independent business, trade or profession; or

(b) A person whose employment with any employer does not total five (5) consecutive months; or

(c) A person provided sheltered employment or made-work by a public employer in an employment or industries program maintained for the benefit of such person; or

(d) An inmate of a state institution, whether or not receiving compensation for services performed for the institution; or

(e) A student enrolled in an undergraduate, graduate, or professional-technical program at and employed by a state college, university, community college or professional-technical center when such employment is predicated on student status; or

(f) A person making contributions to the director of the office of personnel management under the United States civil service system retirement act except that a person who receives separate remuneration for work currently performed for an employer and the United States government may elect to be a member of the retirement system in accordance with rules of the board; or

(g) A person not under contract with a school district or charter school, who on a day-to-day basis works as a substitute teacher replacing a contracted teacher and is paid a substitute wage as established by district policy or who, on a day-to-day basis works as a substitute assistant replacing a staff instruction assistant or a staff library assistant and is paid a substitute wage as established by district policy; or

(h) A person occupying a position that does not exceed eight (8) consecutive months in a calendar year with a city, county, irrigation district, cemetery district or mosquito abatement district when the city, county, irrigation district, cemetery district or mosquito abatement district has certified, in writing to the system, the position is: (i) seasonal or casual; and (ii) affected by weather, including parks, golf course positions and irrigation positions; or

(i) A person in a position that: (i) is eligible for participation in an optional retirement program established under section 33-107A or 33-107B, Idaho Code, or (ii) would be eligible for participation in an optional retirement program established under section 33-107A or 33-107B, Idaho Code, if the person was not working less than half-time or less fewer than twenty (20) hours per week.

(15) "Employer" means the state of Idaho, or any political subdivision or governmental entity, provided such subdivision or entity has elected to come into the system. Governmental entity means any organization composed of units of government of Idaho or organizations funded only by government or employee contributions or organizations who that discharge governmental responsibilities or proprietary responsibilities that would otherwise be performed by government. All governmental entities are deemed to be political subdivisions for the purpose of this chapter. Provided however, that on and after the effective date of this act, all new employers added to the public employee retirement system must be in compliance with internal revenue regulations governing governmental retirement plans.

(15A) "Final contribution" means the final contribution made by a member pursuant to sections 59-1331 through 59-1334, Idaho Code.

(16) "Firefighter" means an employee, including paid firefighters hired on or after October 1, 1980, whose primary occupation is that of preventing and extinguishing fires as determined by the rules of the board.

(17) "Fiscal year" means the period beginning on July 1 in any year and ending on June 30 of the next succeeding year.

(18) "Fund" means the public employee retirement fund established by this chapter.

(19) "Funding agent" means any bank or banks, trust company or trust companies, legal reserve life insurance company or legal reserve life insurance companies, or combinations thereof, any thrift institution or credit union or any investment management firm or individual investment manager selected by the board to hold and/or invest the employers' and members' contributions and pay certain benefits granted under this chapter.

(20) "Inactive member" means a former active member who is not an employee and is not receiving any form of retirement allowance, but for whom who has not requested a separation benefit, or for whom a separation benefit has not become payable.

(20A) "Ineligible" means:

(a) Not eligible to participate and not required to contribute as an employee when:

(i) The employer is not a current member of the public employee retirement system of Idaho (PERSI);

(ii) The employee is not an employee as defined in subsection (14) of this section; or

(iii) The employee is participating in the judges retirement fund, the firefighters retirement fund or the optional retirement plan;

(b) Not eligible for retirement where there has been no termination of employment from an employer participating in PERSI, the judges retirement fund, the firefighters retirement fund or the optional retirement plan or a withdrawn employer; or

(c) Not eligible to receive a separation benefit where there has been no termination of employment from an employer participating in PERSI, the judges retirement fund, the firefighters retirement fund or the optional retirement plan or a withdrawn employer.

All state agencies, political subdivisions or governmental entities that qualify as an employer as defined in subsection (15) of this section or prior to April 4, 2017, were considered an employer and are currently participating in PERSI are, for purposes of PERSI, deemed one (1) employer beginning on the effective date of this act.

(20B) "Lifetime annuity" means periodic monthly payments of income by the retirement system to an alternate payee.

(20BC) "Lump sum distribution" means a payment by the retirement system of the entire balance in the alternate payee's segregated account, together with regular interest credited thereon.

(21) "Member" means an active member, inactive member or a retired member.

(22) "Membership service" means military service which that occurs after the commencement of contributions payable under sections 59-1331 through 59-1334, Idaho Code, and service with respect to which contributions are payable under sections 59-1331 through 59-1334, Idaho Code, which, except for benefit calculations described in sections 59-1342 and 59-1353, Idaho Code, includes service transferred to a segregated account under an approved domestic retirement order.

(23) "Military service" means any period of active duty service in the armed forces of the United States including the national guard and reserves, under the provisions of title 10, title 32, and title 37, United States code, which that commences less fewer than ninety (90) days after the person ceases to be an employee and ends less fewer than ninety (90) days before the person again becomes an employee. Provided, if a member fails to again become an employee as a result of his death while in active duty service, the member shall be entitled to military service through the date of death. Provided further, if a member fails to again become an employee due to a disability retirement resulting from service in the armed forces of the United States, the member shall be entitled to military service through the date the disability allowance becomes payable. In no event shall military service include:

(a) Any period ended by dishonorable discharge or during which termination of such service is available but not accepted; or

(b) Any active duty service in excess of five (5) years if at the convenience of the United States government, or in excess of four (4) years if not at the convenience of the United States government, provided additional membership service may be purchased as provided in section 59-1362, Idaho Code.

(24) (a) "Police officer" for retirement purposes shall be as defined in section 59-1303, Idaho Code.

(b) "POST" means the Idaho peace officer standards and training council established in chapter 51, title 19, Idaho Code.

(25) "Prior service" means any period prior to July 1, 1965, of military service or of employment for the state of Idaho or any political subdivision or other employer of each employee who is an active member or in military service or on leave of absence on the date of establishment, provided, however, an employee who was not an active member or in military service or on leave of absence on the date of establishment shall receive credit for the member's service prior to July 1, 1965, on the basis of recognizing two (2) months of such service for each month of membership service. For the purpose of computing such service, no deduction shall be made for any continuous period of absence from service or military service of six (6) months or less.

(26) "Regular interest" means interest at the rate set from time to time by the board.

(27) "Retired member" means a former active member receiving a retirement allowance.

(28) "Retirement" means the acceptance of a retirement allowance under this chapter upon termination of employment and, unless otherwise provided by law, requires a termination of employment from an employer participating in PERSI, the judges retirement fund, the firefighters retirement fund or the optional retirement plan.

(29) "Retirement board" or "board" means the board provided for in sections 59-1304 and 59-1305, Idaho Code, to administer the retirement system.

(30) "Retirement system" or "system" means the public employee retirement system of Idaho.

(31) (A) "Salary" means:

(a) The total salary or wages paid to a person who meets the definition of employee by an employer for personal services performed and reported by the employer for income tax purposes, including the cash value of all remuneration in any medium other than cash.

(b) The total amount of any voluntary reduction in salary agreed to by the member and employer where the reduction is used as an alternative form of remuneration to the member.

(B) Salary in excess of the compensation limitations set forth in section 401(a) (17) of the Internal Revenue Code shall be disregarded for any person who becomes a member of the system on or after July 1, 1996. The system had no limitations on compensation in effect on July 1, 1993. The compensation limitations set forth in section 401(a) (17) of the Internal Revenue Code shall not apply for an "eligible employee." For purposes of this subsection, "eligible employee" is an individual who was a member of the system before July 1, 1996.

(C) "Salary" does not include:

(a) Contributions by employers to employee-held medical savings accounts, as those accounts are defined in section 63-3022K, Idaho Code.

(b) Lump sum payments inconsistent with usual compensation patterns made by the employer to the employee only upon termination from service including, but not limited to, vacation payoffs, sick leave payoffs, early retirement incentive payments and bonuses.

(c) Differential wage payments as defined in 26 U.S.C. 3401(h). A differential wage payment generally refers to an employer payment to an employee called to active duty in the uniformed services for more than thirty (30) days that represents all or a portion of the compensation he would have received from the employer if he were performing services for the employer.

(d) Employer payments to employees for or related to travel, mileage, meals, lodging or subsistence expenses, without regard to the taxability of such payments for federal income tax purposes and without regard to the form of payment, including payment made as reimbursement of an itemized expense voucher and payment made of an unvouchered expense allowance.

(31A) "Segregated account" means the account established by the retirement system for the alternate payee of a member who is not a retired member. It shall include the months of credited service and accumulated contributions transferred from the member's account.

(32) "Separation benefit" means the amount, if any, ~~payable upon or subsequent pursuant to separation from service section 59-1359, Idaho Code.~~

(33) "Service" means being shown on an employer's payroll as an employee receiving a salary. For each calendar month, service is credited only when a member is an employee as defined in subsection (14) (A) of this section and is employed for fifteen (15) days or more during the calendar month. Employment of fourteen (14) days or less during any calendar month shall not be credited. No more than one (1) month of service shall be credited for all service in any month.

(34) "Service retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for service retirement.

(35) "State" means the state of Idaho.

(35A) "Termination from employment" means the employee has separated from employment, the employee has ended service with the employer and the employer has notified PERSI of the termination.

(36) "Vested member" means an active or inactive member who has at least five (5) years of credited service, except that a member, who at the time of his separation from service:

(a) Held an office to which he had been elected by popular vote or having a term fixed by the constitution, statute or charter or was appointed to such office by an elected official; or

(b) Was the head or director of a department, division, agency, statutory section or bureau of the state; or

(c) Was employed on or after July 1, 1965, by an elected official of the state of Idaho and occupied a position exempt from the provisions of chapter 53, title 67, Idaho Code; and

(d) Was not covered by a merit system for employees of the state of Idaho_{ti}

is vested without regard to the length of credited service.

(37) The masculine pronoun, wherever used, shall include the feminine pronoun.

Approved March 22, 2018

CHAPTER 236

(H.B. No. 474, As Amended in the Senate)

AN ACT

RELATING TO THE JOINT PRINTING COMMITTEE FOR THE PUBLICATION AND DISTRIBUTION OF SESSION LAWS; REPEALING SECTION 67-904, IDAHO CODE, RELATING TO THE JOINT PUBLISHING COMMITTEE FOR THE PUBLICATION AND DISTRIBUTION OF SESSION LAWS; REPEALING SECTION 67-905, IDAHO CODE, RELATING TO THE REPORT OF THE JOINT PUBLISHING COMMITTEE; AND AMENDING SECTION 67-509, IDAHO CODE, TO PROVIDE FOR THE JOINT PRINTING COMMITTEE FOR THE PUBLICATION AND DISTRIBUTION OF SESSION LAWS AND TO PROVIDE FOR A REPORT OF THE JOINT PRINTING COMMITTEE.

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

SECTION 1. That Section 67-904, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 67-905, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 67-509, Idaho Code, be, and the same is hereby amended to read as follows:

67-509. PUBLICATION OF LEGISLATIVE JOURNALS AND SESSION LAWS -- DISTRIBUTION AND REPORT. (1) On the first legislative day or as soon thereafter as the speaker shall have been elected, it shall be the duty of the president of the senate and the speaker of the house of representatives each to appoint a printing committee for his body whose duties shall be, in addition to its duties prescribed by the rules of said bodies respectively, to immediately meet in joint session and to provide for the publication of the journals of the two (2) houses of the legislature. Said committee shall determine the form of the journals to be used, the size of the type, the number to be distributed to each member of the legislature and the method of distribution, the number of journals to be made available for sale through the secretary of state's office, and the manner in which the journals are to be bound for the permanent copies of the journal. All costs incurred in publishing the journals shall be a proper charge against the legislative fund, unless an appropriation for such purpose has been made.

(2) The joint printing committee of the senate and house of representatives shall exist to print, publish, and distribute the session laws. The joint printing committee will consist of the printing committees of each house. The chairmen of the respective judiciary and rules committees, or their designee, will chair their house's printing committee and cochair the joint printing committee.

(3) Prior to the final adjournment of a regular legislative session, the joint printing committee must meet and determine the proper method of printing and preserving the session laws of that legislative session. The joint printing committee must give consideration to the cost, accessibility, and preservation of the session laws. The joint printing committee will provide sufficient physical copies of session laws.

(4) The published session laws must include the bills, concurrent resolutions, joint resolutions, petitions and memorials enacted or adopted during the legislative session. In addition, the session laws must include amendments to the constitution adopted at the preceding general election, and bills, concurrent resolutions, joint resolutions, and memorials enacted or adopted during an intervening extraordinary session of the legislature. The published session laws must include a title page, a table of contents,

certificate pages, tables of amended and repealed statutes, an index of contents, and a list of each member of the senate and house of representatives.

(5) Prior to the final adjournment of a regular legislative session, the printing committee of each house must meet jointly to consider the proper method to print and preserve the session laws. The joint printing committee will prepare a brief written report of its recommendations, which written report must be delivered to the judiciary and rules committees of the senate and the house of representatives. The written report must include the projected cost to implement its recommendation, together with a distribution list of persons that will be provided printed volume(s) of the session laws. If the written or amended report is rejected by the legislature by concurrent resolution, the joint printing committee will meet to reconsider its recommendations. If the written or amended report is not rejected, the joint printing committee will enter into an agreement(s) that is substantially consistent with its written or amended report to print, publish, and deliver the session laws, which costs will be paid from the legislative account.

Approved March 22, 2018

CHAPTER 237

(H.B. No. 506, As Amended in the Senate)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-458, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE REGISTRATION AND USE OF MILITARY VEHICLES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-458, Idaho Code, and to read as follows:

49-458. **MILITARY VEHICLES.** Notwithstanding any provisions of law to the contrary, a vehicle built for the United States armed forces may be registered and operated on public highways of this state, because such vehicles were manufactured in accordance with department of defense military safety standards. A federal form 97 shall be provided at the time of registration. If no federal form 97 is available, the applicant may apply for a conditional title.

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

Approved March 23, 2018

CHAPTER 238
(H.B. No. 568)

AN ACT

RELATING TO INITIATIVES AND REFERENDA; AMENDING SECTION 34-106, IDAHO CODE, TO REVISE PROVISIONS REGARDING INITIATIVE OR REFERENDUM ELECTIONS; AMENDING SECTION 34-1801B, IDAHO CODE, TO PROVIDE THAT CERTAIN INITIATIVE AND REFERENDUM PROCEDURES SHALL NOT APPLY TO ANY LOCAL ZONING LEGISLATION AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 31-717, IDAHO CODE, RELATING TO COUNTY INITIATIVE AND REFERENDUM, SIGNATURES REQUIRED, PRINTING OF PETITION, REVIEW OF MEASURES AND TIME LIMITS; AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1801C, IDAHO CODE, TO PROVIDE THAT COUNTIES SHALL FOLLOW CERTAIN PROCEDURES FOR AN INITIATIVE AND REFERENDUM; AND AMENDING SECTION 31-5004, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

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

SECTION 1. 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, 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 and or November of even-numbered years and or more than fifty (50) days after the order for all other elections, unless otherwise provided by law. City initiative and referendum elections shall be held in November of odd-numbered years as provided by section 34-1801B, Idaho Code. Ballot language for any question to be placed on the ballot shall be submitted to the county clerk at least sixty (60) days before the an election held in May and or November of even-numbered years and at least fifty (50) days ~~for~~ 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 2. That Section 34-1801B, Idaho Code, be, and the same is hereby amended to read as follows:

34-1801B. INITIATIVE AND REFERENDUM PROCEDURES FOR CITIES. Each city shall allow direct legislation by the people through the initiative and referendum. Cities shall follow the procedures set forth in this chapter subject to the following provisions:

(1) The city attorney shall perform the duties assigned to the attorney general.

(2) The city clerk shall perform those duties assigned to the secretary of state.

(3) City initiative and referendum elections shall be held on the Tuesday following the first Monday in November in odd-numbered years.

(4) An action brought pursuant to section 34-1809, Idaho Code, challenging the ballot title or short title shall be brought in the district court in the county in which the city is located.

(5) Pursuant to section 34-1809, Idaho Code, the city attorney shall prepare recommendations concerning revision of the initiative or referendum, issue a certificate of review to the city clerk, and shall prepare the ballot title and short title.

(6) To be eligible to sign a petition for city initiative or referendum, a person shall be a qualified elector of the city at the time of signing thereon.

(7) To perfect a petition for city initiative or referendum the petition shall have signatures from at least twenty percent (20%) of the total

number of qualified electors voting in the last general city election in November of an odd-numbered year.

(8) The provisions of section 34-1805, Idaho Code, relating to the number of required signatures and geographic distribution of signatures shall not apply to city initiative or referendum.

(9) Any person who circulates a petition for city initiative or referendum shall be a resident of the state of Idaho and at least eighteen (18) years of age, and pursuant to section 34-1807, Idaho Code, shall certify their belief that each signer of the petition is a qualified elector of the state of Idaho and the city.

(10) A copy of all petitions and signature sheets shall be kept by the city clerk as a public record.

(11) The prospective petition for referendum, as provided by section 34-1804, Idaho Code, shall be filed not more than sixty (60) days following publication of the adopted ordinance as provided by section 50-901, Idaho Code.

(12) The deadline for submission of signatures to the city clerk is one hundred eighty (180) days after the petitioners for initiative or referendum receive the official ballot title from the city clerk, or April 30 of the year of the initiative or referendum election, whichever is earlier.

(13) Petitioners must submit the signed initiative or referendum petitions to the county clerk for verification not later than the close of business on the first day of May in the year of the initiative or referendum election, or one hundred eighty (180) days after the petitioners receive the official ballot title from the city clerk, whichever is earlier.

(14) The county clerk has sixty (60) calendar days to verify the signatures as provided in subsection (3) of section 34-1802, Idaho Code.

(15) The city council shall have the option to adopt the ordinance proposed by initiative within thirty (30) days after the notification pursuant to section 34-1807, Idaho Code, provided that the petition has the required number of signatures. The city council shall hold a public hearing on the proposed ordinance within the thirty (30) day period, preceded by legal notice published once in the official city newspaper at least seven (7) days preceding the hearing. If the ordinance is not adopted by the council by the end of the thirty (30) day period, the initiative shall be put on the ballot.

(16) As provided by sections 34-1812A through 34-1812C, Idaho Code, a voters' pamphlet shall be prepared by the city clerk.

(17) To be passed into law, an initiative or referendum shall be approved by a majority of the votes cast on the measure.

(18) The mayor shall issue the proclamation provided by section 34-1813, Idaho Code.

(19) The city clerk shall publish an ordinance adopted by initiative or referendum within thirty (30) days after the proclamation by the mayor provided in subsection (18) of this section.

(20) All city ordinances setting forth procedures for initiative or referendum are void on July 1, 2015.

(21) This section does not apply to bond elections.

(22) This section does not apply to any local zoning legislation including, but not limited to, ordinances required or authorized pursuant to chapter 65, title 67, Idaho Code.

SECTION 3. That Section 31-717, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 18, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-1801C, Idaho Code, and to read as follows:

34-1801C. INITIATIVE AND REFERENDUM PROCEDURES FOR COUNTIES. Each county shall allow direct legislation by the people through the initiative and referendum. Counties shall follow the procedures set forth in this chapter subject to the following provisions:

(1) The county prosecuting attorney shall perform the duties assigned to the attorney general.

(2) The county clerk shall perform those duties assigned to the secretary of state.

(3) County initiative and referendum elections shall be held pursuant to section 34-106(8), Idaho Code.

(4) Pursuant to section 34-1809, Idaho Code, the county prosecuting attorney shall prepare recommendations concerning revision of the initiative or referendum, issue a certificate of review to the county clerk and prepare the ballot title and short title.

(5) An action brought pursuant to section 34-1809, Idaho Code, challenging the ballot title or short title shall be brought in the district court of the county.

(6) To be eligible to sign a petition for county initiative or referendum, a person shall be a qualified elector of the county at the time of signing the petition.

(7) To perfect a petition for county initiative or referendum, the petition shall have signatures from at least twenty percent (20%) of the total number of qualified electors voting in the last general county election in November of an even-numbered year.

(8) The provisions of section 34-1805, Idaho Code, relating to the number of required signatures and geographic distribution of signatures shall not apply to a county initiative or referendum.

(9) Any person who circulates a petition for county initiative or referendum shall be a resident of the state of Idaho and at least eighteen (18) years of age, and pursuant to section 34-1807, Idaho Code, shall certify his belief that each signer of the petition is a qualified elector of the state of Idaho and the county.

(10) A copy of all petitions and signature sheets shall be kept by the county clerk as a public record.

(11) The prospective petition for referendum, as provided by section 34-1804, Idaho Code, shall be filed no more than sixty (60) days following publication of the adopted ordinance as provided by section 31-715, Idaho Code.

(12) Petitioners must submit the signed initiative or referendum petitions to the county clerk for verification no later than one hundred eighty (180) days after the petitioners receive the official ballot title from the county clerk, or one hundred eighty (180) days before the election at which the initiative or referendum is to be voted on, whichever is earlier.

(13) The county clerk has sixty (60) calendar days to verify the signatures as provided in section 34-1802(3), Idaho Code.

(14) The board of county commissioners shall have the option to adopt the ordinance proposed by initiative within thirty (30) days after the notification pursuant to section 34-1807, Idaho Code, provided that the petition has the required number of signatures. The board of county commissioners shall hold a public hearing on the proposed ordinance within the thirty (30) day period, preceded by legal notice published once in the county at least seven (7) days preceding the hearing. If the ordinance is not adopted by the board of county commissioners by the end of the thirty (30) day period, the initiative shall be put on the ballot.

(15) As provided by sections 34-1812A through 34-1812C, Idaho Code, a voters' pamphlet shall be prepared by the county clerk.

(16) To be passed into law, an initiative or referendum shall be approved by a majority of the votes cast on the measure.

(17) The board of county commissioners shall issue the proclamation provided by section 34-1813, Idaho Code.

(18) The county clerk shall publish an ordinance adopted by initiative or referendum within thirty (30) days after the proclamation by the board of county commissioners provided in subsection (17) of this section.

(19) All county ordinances setting forth initiative or referendum procedures are void on July 1, 2018.

(20) This section does not apply to bond elections.

(21) This section does not apply to zoning legislation including, but not limited to, ordinances required or authorized pursuant to chapter 65, title 67, Idaho Code.

SECTION 5. That Section 31-5004, Idaho Code, be, and the same is hereby amended to read as follows:

31-5004. PETITION OR RESOLUTION TO ADOPT AN OPTIONAL FORM OF COUNTY GOVERNMENT -- CONTENTS -- QUESTION TO BE SUBMITTED AT GENERAL ELECTION. (1) The governing body of each county shall have the authority to submit to the electors of the county the question of the adoption of an optional form of county government as follows:

(a) The governing body may pass a resolution providing for the submission of the question;

(b) The governing body shall submit the question upon a petition signed by petitioners equal in number to fifteen percent (15%) of the qualified electors voting in the county in the last general election.

(2) A separate petition or resolution shall be required for each optional form of county government proposed.

(3) The petition or resolution to establish an optional form of county government shall contain:

(a) A complete description of the proposed optional form of government as required under the provisions of the chapter pertaining to the form of government proposed to be adopted and under any other provisions of this act;

(b) A description of the effect of adopting the option upon any incumbents;

(c) A statement that if an optional form is adopted the question to return to the previous form or any other optional form of county government may be placed at subsequent elections but not more frequently than every four (4) years.

(4) The question of adopting an optional form of county government shall be submitted at the general election.

(5) The provisions of section 31-717 34-1801C, Idaho Code, shall govern the requirements for signatures, verification of valid petitions, printing and review of petitions, and time limits, unless expressly modified by other provisions of this act. The petition must be certified as provided in section 31-717 34-1801C, Idaho Code, prior to September 1 of the year of the general election at which the question of adopting the optional form of government proposed by the petition is to appear on the ballot.

Approved March 23, 2018

CHAPTER 239
(H.B. No. 648)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1634, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING COMPUTER SCIENCE COURSES.

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

SECTION 1. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1634, Idaho Code, and to read as follows:

33-1634. COMPUTER SCIENCE. Starting in fiscal year 2020, each school district, specially chartered district and public charter school serving students in grades 9 through 12 inclusive, or any combination thereof, shall make available to all students in grades 9 through 12 one (1) or more courses in computer science. Students must have the option of taking the course as part of their course schedule during normal instructional hours at the school in which the student is enrolled. Such courses may be offered through virtual education programs and online courses, traditional in-person courses or hybrid courses consisting of a combination of online and in-person instruction. Computer science courses must be aligned with the Idaho content standards for computer science.

Approved March 23, 2018

CHAPTER 240
(H.B. No. 665)

AN ACT

RELATING TO SCHOOLS; AMENDING SECTION 18-3302I, IDAHO CODE, TO REVISE A PROVISION REGARDING THREATENING SCHOOL VIOLENCE, TO REMOVE PROVISIONS REGARDING INTENT, TO PROVIDE THAT CERTAIN ACTS SHALL BE A FELONY AND TO REVISE A DEFINITION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 18-3302I, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302I. THREATENING VIOLENCE ON UPON SCHOOL GROUNDS -- FIREARMS AND OTHER DEADLY OR DANGEROUS WEAPONS.

(1) (a) Any person, including a student, who willfully threatens ~~on school grounds~~ by word, electronic means or act to use a firearm or other deadly or dangerous weapon to do violence to any other person on school grounds or to disrupt the normal operations of an educational institution by making a threat of violence is guilty of a misdemeanor.

(b) ~~The threats prohibited by this section encompass only those statements or acts where the speaker or actor intends to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. The prosecution is not required to prove that the defendant actually intended to carry out the threat~~ Any person, including a student, who knowingly has in his possession a firearm or other deadly or dangerous weapon, or who makes, alters or repairs any firearm or other deadly or dangerous weapon, in the fur-

therance of carrying out a threat made by word, electronic means or act to do violence to any person on school grounds or to disrupt the normal operations of an educational institution by making a threat of violence is guilty of a felony.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury;

(b) "On school grounds" means in, or on the property of, a owned or operated by a school district, public charter school or private elementary or secondary 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 23, 2018

CHAPTER 241
(H.B. No. 717)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING DIRECTION ON DISTRIBUTIONS.

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

SECTION 1. There is hereby appropriated to the Superintendent of Public Instruction the following amounts to be expended for the designated expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$6,448,400	\$4,871,500	\$59,100	\$3,524,600	\$14,903,600
Indirect Cost Recovery					
Fund	772,500	1,458,500	47,900		2,278,900
Driver's Training					
Fund	184,800	150,600	2,700	2,113,300	2,451,400
Broadband Infrastructure					
Fund				2,700,000	2,700,000
Public Instruction					
Fund	816,100	973,900	7,400	11,400	1,808,800
Miscellaneous Revenue					
Fund	304,000	184,200	3,500		491,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Public Schools Other Income					
Fund	94,800	362,000			456,800
Cigarette, Tobacco and Lottery Income Taxes					
Fund	97,800				97,800
Federal Grant					
Fund	<u>5,168,600</u>	<u>9,198,100</u>	<u>18,900</u>	<u>82,200</u>	<u>14,467,800</u>
TOTAL	\$13,887,000	\$17,198,800	\$139,500	\$8,431,500	\$39,656,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Superintendent of Public Instruction is authorized no more than one hundred forty-two (142.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. DISTRIBUTIONS. Of the moneys appropriated in Section 1 of this act, none shall be distributed or expended for school district or charter school wireless technology infrastructure.

Approved March 23, 2018

CHAPTER 242
(H.B. No. 677)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE REVOLVING DEVELOPMENT FUND TO THE AQUIFER PLANNING AND MANAGEMENT FUND; TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT AND IMPLEMENTATION FUND; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE REVOLVING DEVELOPMENT FUND; AND PROVIDING LEGISLATIVE INTENT REGARDING THE PRIEST LAKE WATER MANAGEMENT PROJECT.

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

SECTION 1. There is hereby appropriated to the Department of Water Resources the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	BENEFIT	LUMP
	COSTS	EXPENDITURES	OUTLAY	PAYMENTS		SUM
						TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:						
FROM:						
General						
Fund	\$983,200	\$856,600	\$170,500			\$2,010,300
Indirect Cost Recovery						
Fund	499,800	152,900				652,700
Water Administration						
Fund	51,800	21,700				73,500
Miscellaneous Revenue						
Fund	<u>0</u>	<u>163,800</u>	<u>0</u>			<u>163,800</u>
TOTAL	\$1,534,800	\$1,195,000	\$170,500			\$2,900,300
II. PLANNING AND TECHNICAL SERVICES:						
FROM:						
General						
Fund	\$2,801,500	\$696,400	\$24,000	\$882,000	\$5,000,000	\$9,403,900
Indirect Cost Recovery						
Fund		13,700				13,700
Aquifer Planning and Management						
Fund	958,200	449,800	7,500			1,415,500
Miscellaneous Revenue						
Fund		164,500				164,500
Technology Infrastructure Stabilization						
Fund		73,000	15,000			88,000
Federal Grant						
Fund	<u>305,100</u>	<u>831,700</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,136,800</u>
TOTAL	\$4,064,800	\$2,229,100	\$46,500	\$882,000	\$5,000,000	\$12,222,400
III. WATER MANAGEMENT:						
FROM:						
General						
Fund	\$5,312,800	\$2,079,200	\$176,000			\$7,568,000
Indirect Cost Recovery						
Fund		4,900				4,900
Water Administration						
Fund	1,252,700	230,500				1,483,200
Miscellaneous Revenue						
Fund	865,800	297,200				1,163,000
Federal Grant						
Fund	<u>225,000</u>	<u>338,400</u>	<u>0</u>			<u>563,400</u>
TOTAL	\$7,656,300	\$2,950,200	\$176,000			\$10,782,500

	FOR					
	FOR	FOR	FOR	TRUSTEE AND	FOR	
	PERSONNEL	OPERATING	CAPITAL	BENEFIT	LUMP	
	COSTS	EXPENDITURES	OUTLAY	PAYMENTS	SUM	TOTAL
IV. NORTHERN IDAHO ADJUDICATION:						
FROM:						
General						
Fund	\$345,200	\$174,700				\$519,900
Northern Idaho Adjudication						
Fund	<u>0</u>	<u>36,700</u>				<u>36,700</u>
TOTAL	\$345,200	\$211,400				\$556,600
GRAND TOTAL	\$13,601,100	\$6,585,700	\$393,000	\$882,000	\$5,000,000	\$26,461,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred sixty-three (163.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CASH TRANSFER FOR AQUIFER MONITORING, MEASUREMENT, AND MODELING. There is hereby appropriated to the Department of Water Resources and the State Controller shall transfer \$716,000 from the Revolving Development Fund to the Aquifer Planning and Management Fund on July 1, 2018, or as soon thereafter as practicable, for the period July 1, 2018, through June 30, 2019, to be used for aquifer monitoring, measurement, and modeling.

SECTION 4. CASH TRANSFER FOR AQUIFER MANAGEMENT. Of the amount appropriated to the Department of Water Resources in Section 1 of this act for the Planning and Technical Services Program from the General Fund for lump sum, the State Controller shall transfer \$5,000,000 to the Secondary Aquifer Planning, Management and Implementation Fund on July 1, 2018, or as soon thereafter as practicable, for the period July 1, 2018, through June 30, 2019, to be used for aquifer recharge and management.

SECTION 5. CASH TRANSFER FOR PRIEST LAKE WATER MANAGEMENT PROJECT. There is hereby appropriated to the Department of Water Resources and the State Controller shall transfer \$2,400,000 from the General Fund to the Revolving Development Fund on July 1, 2018, or as soon thereafter as practicable, for the period July 1, 2018, through June 30, 2019, to be used for Priest Lake water storage capacity and navigation.

SECTION 6. USE OF FUNDS FOR PRIEST LAKE WATER MANAGEMENT PROJECT. Notwithstanding the provisions of Section 5, Chapter 328, Laws of 2005, or any other provision of law to the contrary, \$5,000,000 from the Revolving Development Fund, or so much thereof as is necessary, shall be used solely for the expansion of Priest Lake water storage and navigation.

Approved March 23, 2018

CHAPTER 243
(S.B. No. 1232)

AN ACT

RELATING TO THE STATE PENITENTIARY; AMENDING SECTION 20-104, IDAHO CODE, TO REVISE A PROVISION REGARDING CONSENT TO THE TRANSFER OR EXCHANGE OF FOREIGN OFFENDERS.

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

SECTION 1. That Section 20-104, Idaho Code, be, and the same is hereby amended to read as follows:

20-104. TRANSFER OF CONVICTED FOREIGN CITIZENS OR NATIONALS UNDER TREATY. If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the governor may, on behalf of the state and subject to the terms of the treaty, authorize the ~~director~~ commission of the department of correction pardons and parole to consent to the transfer or exchange of offenders and take any other action necessary to initiate the participation of this state in the treaty.

Approved March 23, 2018

CHAPTER 244
(S.B. No. 1277)

AN ACT

RELATING TO CIVIL ACTIONS; AMENDING SECTION 7-1503, IDAHO CODE, TO REVISE A PROVISION REGARDING CLAIMS FOR DAMAGES; AND AMENDING SECTION 12-120, IDAHO CODE, TO REVISE A PROVISION REGARDING A PLAINTIFF'S CLAIM FOR DAMAGES.

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

SECTION 1. That Section 7-1503, Idaho Code, be, and the same is hereby amended to read as follows:

7-1503. ACTIONS TO WHICH THE IDAHO CIVIL EVALUATION OPTION APPLIES -- INITIATION OF PROCESS -- OPTION TO MEDIATE -- MOTIONS FOR REMOVAL FROM EVALUATION. (1) Civil actions in which the sole relief sought is a money judgment in which the parties agree that the total claims for all damages sought by a party do not exceed ~~twenty~~ thirty-five thousand dollars (\$~~235,000~~) shall be subject to the provisions of this chapter. This chapter shall not apply to appeals from the magistrates division, disputes subject to arbitration under chapter 9, title 7, Idaho Code, proceedings in the small claims division of the district court, cases seeking a punitive damages award, or cases in which this chapter has been previously invoked.

(2) The provisions of this chapter may be initiated by any party by the filing of a notice with the court. The notice shall be filed at least one hundred fifty (150) days prior to a scheduled trial but, without the consent of all parties, may not be filed within forty-five (45) days following the service of a complaint. For actions pending in the magistrates division, however, notice shall be filed at least one hundred (100) days prior to a scheduled trial but, without consent of all the parties, may not be filed within thirty (30) days following the service of a complaint. The trial court shall

retain jurisdiction over a case proceeding under this chapter and the case shall remain on the court's active calendar.

(3) The parties shall confer after the filing of the notice to determine if they wish to undertake evaluation or mediation. If they agree to mediate, the parties may agree upon a mediator or utilize as mediator an individual selected pursuant to the evaluator selection provisions of this chapter. If a mediation has been conducted under this chapter, and the mediation has not resulted in the settlement of all claims, within fourteen (14) days following such mediation, the parties shall file a notice with the clerk of the court that a mediation has been completed, that all claims have not been settled and specifying the claims which remain.

(4) If the parties are not able to agree whether to undertake a mediation or an evaluation under this chapter, a party has seven (7) days after the filing of the notice of the initiation of the provisions of this chapter to file a motion seeking the court to order which form of alternative dispute resolution will be used. The moving party has a right to a hearing pursuant to the Idaho rules of civil procedure. In making its determination on the motion, the court shall consider, among other factors it deems relevant, the nature of the claim(s) and the defense(s), the prior experience, if any, of the parties or their counsel with mediation or evaluation, in this or other cases, the potential likelihood that the facts alleged in a claim, if proven, will lead to liability of one party to another, and the complexity of the case. If the court does not determine that mediation is a preferable means of alternative dispute resolution for the particular case, it shall order the parties to conduct an evaluation under the provisions of this chapter. However, if the court determines that neither mediation nor evaluation is appropriate in the case, it may order that the case proceed to trial in accordance with the Idaho rules of civil procedure.

(5) Any party may move the court for removal from the evaluation at any stage for good cause including, but not limited to, a substantial change in circumstances or a reasonable potential for the moving party to later seek amendment to its pleadings to allow that party to pursue punitive damages, making the evaluation option an inappropriate method to obtain resolution of the particular dispute.

SECTION 2. That Section 12-120, Idaho Code, be, and the same is hereby amended to read as follows:

12-120. ATTORNEY'S FEES IN CIVIL ACTIONS. (1) Except as provided in subsections (3) and (4) of this section, in any action where the amount pleaded is thirty-five thousand dollars (\$35,000) or less, there shall be taxed and allowed to the prevailing party, as part of the costs of the action, a reasonable amount to be fixed by the court as attorney's fees. For the plaintiff to be awarded attorney's fees, for the prosecution of the action, written demand for the payment of such claim must have been made on the defendant not less than ten (10) days before the commencement of the action; provided, that no attorney's fees shall be allowed to the plaintiff if the court finds that the defendant tendered to the plaintiff, prior to the commencement of the action, an amount at least equal to ninety-five percent (95%) of the amount awarded to the plaintiff.

(2) The provisions of subsection (1) of this section shall also apply to any counterclaims, cross-claims or third party claims which may be filed after the initiation of the original action. Except that a ten (10) day written demand letter shall not be required in the case of a counterclaim.

(3) In any civil action to recover on an open account, account stated, note, bill, negotiable instrument, guaranty, or contract relating to the purchase or sale of goods, wares, merchandise, or services and in any commercial transaction unless otherwise provided by law, the prevailing party

shall be allowed a reasonable attorney's fee to be set by the court, to be taxed and collected as costs.

The term "commercial transaction" is defined to mean all transactions except transactions for personal or household purposes. The term "party" is defined to mean any person, partnership, corporation, association, private organization, the state of Idaho or political subdivision thereof.

(4) In actions for personal injury, where the amount of plaintiff's claim for damages does not exceed ~~twenty~~ thirty-five thousand dollars (\$235,000), there shall be taxed and allowed to the claimant, as part of the costs of the action, a reasonable amount to be fixed by the court as attorney's fees. For the plaintiff to be awarded attorney's fees for the prosecution of the action, written demand for payment of the claim and a statement of claim must have been served on the defendant's insurer, if known, or if there is no known insurer, then on the defendant, not less than sixty (60) days before the commencement of the action; provided that no attorney's fees shall be allowed to the plaintiff if the court finds that the defendant tendered to the plaintiff, prior to the commencement of the action, an amount at least equal to ninety percent (90%) of the amount awarded to the plaintiff.

The term "statement of claim" shall mean a written statement signed by the plaintiff's attorney, or if no attorney, by the plaintiff which includes:

(a) An itemized statement of each and every item of damage claimed by the plaintiff including the amount claimed for general damages and the following items of special damages: (i) medical bills incurred up to the date of the plaintiff's demand; (ii) a good faith estimate of future medical bills; (iii) lost income incurred up to the date of the plaintiff's demand; (iv) a good faith estimate of future loss of income; and (v) property damage for which the plaintiff has not been paid.

(b) Legible copies of all medical records, bills and other documentation pertinent to the plaintiff's alleged damages.

If the plaintiff includes in the complaint filed to commence the action, or in evidence offered at trial, a different alleged injury or a significant new item of damage not set forth in the statement of claim, the plaintiff shall be deemed to have waived any entitlement to attorney's fees under this section.

(5) In all instances where a party is entitled to reasonable attorney's fees and costs under subsection (1), (2), (3) or (4) of this section, such party shall also be entitled to reasonable postjudgment attorney's fees and costs incurred in attempting to collect on the judgment. Such attorney's fees and costs shall be set by the court following the filing of a memorandum of attorney's fees and costs with notice to all parties and hearing.

(6) In any small claims case resulting in entry of a money judgment or judgment for recovery of specific property, the party in whose favor the judgment is entered shall be entitled to reasonable postjudgment attorney's fees and costs incurred in attempting to collect on the judgment. Such attorney's fees and costs shall be set by the court following the filing of a memorandum of attorney's fees and costs with notice to all parties and an opportunity for hearing. The amount of such attorney's fees shall be determined by the court after consideration of the factors set out in rule 54(e)(3) of the Idaho rules of civil procedure, or any future rule that the supreme court of the state of Idaho may promulgate, but the court shall not base its determination of such fees upon any contingent fees arrangement between attorney and client, or any arrangement setting such fees as a percentage of the judgment or the amount recovered. In no event shall postjudgment attorney's fees exceed the principal amount of the judgment or value of property recovered.

CHAPTER 245
(S.B. No. 1279)

AN ACT

RELATING TO THE IDAHO OPPORTUNITY SCHOLARSHIP; AMENDING SECTION 33-4303, IDAHO CODE, TO PROVIDE THAT CERTAIN FUNDS MAY BE USED FOR SCHOLARSHIP AWARDS TO ADULT STUDENTS MEETING CERTAIN CRITERIA AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-4303, Idaho Code, be, and the same is hereby amended to read as follows:

33-4303. IDAHO OPPORTUNITY SCHOLARSHIP. (1) The purposes of this section are to:

- (a) Recognize that all Idaho citizens benefit from an educated citizenry;
- (b) Increase individual economic vitality and improve the overall quality of life for many of Idaho's citizens;
- (c) Provide access to eligible Idaho postsecondary education through funding to remove financial barriers;
- (d) Increase the opportunity for economically disadvantaged Idaho students; and
- (e) Incentivize students to complete a postsecondary education degree or certificate.

(2) For the purposes of this section, the following definitions shall apply:

(a) "Educational costs" means the dollar amount determined annually by the state board of education as necessary for student tuition, fees, books and such other expenses reasonably related to attendance at an eligible Idaho postsecondary educational institution.

(b) "Eligible Idaho postsecondary educational institution" means a public postsecondary organization governed or supervised by the state board, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of chapter 21, title 33, Idaho Code, or the state board for career technical education or any educational organization located in Idaho that is:

- (i) Operated privately;
- (ii) Classified as not-for-profit under state law;
- (iii) Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and
- (iv) Accredited by an organization recognized by the state board as provided in section 33-2402, Idaho Code.

(c) "Eligible student" means a student who:

- (i) Is an Idaho resident as defined in section 33-3717B, Idaho Code;
- (ii) Has graduated or will graduate from an accredited high school or its equivalent in Idaho as determined by the state board;
- (iii) Has enrolled or applied to an eligible Idaho postsecondary educational institution;
- (iv) Is a postsecondary undergraduate student who has not previously completed a baccalaureate (bachelor's) degree or higher; and
- (v) Meets need and merit criteria as set by the state board.

"Eligible student" also means a student who has met the eligibility requirements and was awarded an opportunity scholarship prior to June 30, 2014. Continued eligibility shall be based upon the eligibility requirements at the time of the original award.

(d) "Opportunity scholarship program" means the scholarship program described in this section and in the rules established by the state board.

(e) "Shared model of responsibility" means a model set by the board to determine the required and expected contributions of the student, the student's family and available federal financial aid.

(f) "State board" means the state board of education.

(3) The state board shall promulgate rules to determine student eligibility, academic and financial eligibility, a process for eligible students to apply, amount of awards, how eligible students will be selected and when the awards shall be made, as well as other rules necessary for the administration of this section.

(4) An eligible student must:

(a) Apply or have applied for federal student financial assistance available to an eligible student who will attend or is enrolled in an eligible Idaho postsecondary educational institution; and

(b) Meet need and merit criteria established by the state board in rule.

(5) Funds that are available for the opportunity scholarship program shall be used to provide scholarships based upon a shared model of responsibility between the scholarship recipient and the recipient's family, the federal government and the participating eligible Idaho postsecondary educational institution that the recipient attends for covering the educational costs.

(6) Up to twenty percent (20%) of funds that are available for the opportunity scholarship program may be used for awards to adult students who have earned at least twenty-four (24) credits toward a postsecondary degree or certificate and who return to an eligible Idaho postsecondary educational institution to complete a certificate or degree.

(7) The opportunity scholarship award shall not exceed the actual educational costs at the eligible Idaho postsecondary educational institution that the student attends. The amount of scholarship shall not exceed the educational costs established by the state board.

(78) Award payments shall be made annually to an eligible Idaho postsecondary educational institution. In no instance may the entire amount of an award be paid to or on behalf of such student in advance.

(89) If an eligible student becomes ineligible for a scholarship under the provisions of this chapter, or if a student discontinues attendance before the end of any semester, quarter, term or equivalent, covered by the award after receiving payment under this chapter, the eligible Idaho postsecondary educational institution shall remit, up to the amount of any payments made under this program, any prorated tuition or fee balances to the state board.

(910) There is hereby created an account in the state treasury to be designated the opportunity scholarship program account.

(a) The account shall consist of moneys appropriated to the account by the legislature, moneys contributed to the account from other sources and the earnings on such moneys. The executive director of the state board may receive on behalf of the state board any moneys or real or personal property donated, bequeathed, devised or conditionally granted to the state board for purposes of providing funding for such account. Moneys received directly or derived from the sale of such property shall be deposited by the state treasurer in the account.

(b) Earnings from moneys in the account or specified gifts shall be distributed annually to the state board to implement the opportunity

scholarship program as provided for under the provisions of this chapter.

(c) All moneys placed in the account and earnings thereon are hereby perpetually appropriated to the state board for the purpose described in ~~subsection (9) paragraph~~ (b) of this subsection. All expenditures from the account shall be paid out in warrants drawn by the state controller upon presentation of the proper vouchers. Up to fifty thousand dollars (\$50,000) of the annual earnings distribution to the state board may be used by the state board annually for administrative costs related to the implementation of the provisions of this chapter.

(d) Allowable administrative costs include, but are not limited to, operating expenses for the implementation and maintenance of a database, operating expenses to administer the program, personnel costs necessary to administer the program and costs related to promoting awareness of the program.

(e) Any unused annual funds shall be deposited into the opportunity scholarship program account.

(f) Pending use, surplus moneys in the account shall be invested by the state treasurer or endowment fund investment board in the same manner as provided under section 67-1210 or 68-501, Idaho Code, as applicable. Interest earned on the investments shall be returned to the account.

(101) The effectiveness of the Idaho opportunity scholarship will be evaluated by the state board on a regular basis. This evaluation will include annual data collection as well as longer-term evaluations.

Approved March 23, 2018

CHAPTER 246

(S.B. No. 1306, As Amended in the House)

AN ACT

RELATING TO LOCAL LAND USE PLANNING; AMENDING SECTION 67-6519, IDAHO CODE, TO PROVIDE FOR NOTICE TO IRRIGATION DISTRICTS, GROUND WATER DISTRICTS, CAREY ACT OPERATING COMPANIES, NONPROFIT IRRIGATION ENTITIES, LATERAL DITCH ASSOCIATIONS AND DRAINAGE DISTRICTS THAT HAVE REQUESTED TO RECEIVE NOTICE WHENEVER A COUNTY OR CITY CONSIDERS A PROPOSED SUBDIVISION OR ANY OTHER SITE-SPECIFIC LAND DEVELOPMENT APPLICATION.

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

SECTION 1. That Section 67-6519, Idaho Code, be, and the same is hereby amended to read as follows:

67-6519. APPLICATION GRANTING PROCESS. (1) As part of ordinances required or authorized under this chapter, a procedure shall be established for processing in a timely manner applications for zoning changes, subdivisions, variances, special use permits and such other applications required or authorized pursuant to this chapter for which a reasonable fee may be charged.

(2) Where the commission hears an application, the commission shall have a reasonable time fixed by the governing board to examine the application before the commission makes its decision on the application or makes its recommendation to the governing board. Each commission or governing board shall establish by rule a time period within which a recommendation or decision must be made. Provided however, any application which relates to a public school facility shall receive priority consideration and shall be reviewed for approval, denial or recommendation by the commission or the governing board at the earliest reasonable time, regardless of the timing

of its submission relative to other applications which are not related to public school facilities.

(3) When considering an application which relates to a public school facility, the commission shall specifically review the application for the effect it will have on increased vehicular, bicycle and pedestrian volumes on adjacent roads and highways. To ensure that the state highway system or the local highway system can satisfactorily accommodate the proposed school project, the commission shall request the assistance of the Idaho transportation department if state highways are affected, or the local highway district with jurisdiction if the affected roads are not state highways. The Idaho transportation department, the appropriate local highway jurisdiction, or both as determined by the commission, shall review the application and shall report to the commission on the following issues as appropriate: the land use master plan; school bus plan; access safety; pedestrian plan; crossing guard plan; barriers between highways and school; location of school zone; need for flashing beacon; need for traffic control signal; anticipated future improvements; speed on adjacent highways; traffic volumes on adjacent highways; effect upon the highway's level of service; need for acceleration or deceleration lanes; internal traffic circulation; anticipated development on surrounding undeveloped parcels; zoning in the vicinity; access control on adjacent highways; required striping and signing modifications; funding of highway improvements to accommodate development; proposed highway projects in the vicinity; and any other issues as may be considered appropriate to the particular application.

(4) Whenever a county or city considers a proposed subdivision or any other site-specific land development application authorized by this chapter, it shall provide written notice concerning the development proposal by mail, or electronically by mutual agreement, to all irrigation districts, ground water districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested, in writing, to receive notice. Any irrigation districts, ground water districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations and drainage districts requesting notice shall continue to provide updated and current contact information to the county or city in order to receive notice. Any notice provided under this subsection shall be provided no less than fifteen (15) days prior to the public hearing date concerning the development proposal as required by this chapter or local ordinance. Any notice provided under this subsection shall not affect or eliminate any other statutory requirements concerning delivery of water, including those under sections 31-3805 and 67-6537, Idaho Code.

(5) Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify:

- (a) The ordinance and standards used in evaluating the application;
- (b) The reasons for approval or denial; and
- (c) The actions, if any, that the applicant could take to obtain approval.

Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.

CHAPTER 247
(S.B. No. 1344)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR FISCAL YEAR 2019; 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 2019; PROVIDING NON-GENERAL FUND REAPPROPRIATION; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND PROVIDING LEGISLATIVE INTENT FOR SYSTEMWIDE NEEDS.

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, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOISE STATE UNIVERSITY:					
FROM:					
General					
Fund	\$86,811,800	\$9,242,200	\$3,757,800		\$99,811,800
Unrestricted					
Fund	<u>83,978,500</u>	<u>20,265,300</u>	<u>2,903,100</u>		<u>107,146,900</u>
TOTAL	\$170,790,300	\$29,507,500	\$6,660,900		\$206,958,700
II. IDAHO STATE UNIVERSITY:					
FROM:					
General					
Fund	\$78,138,900	\$1,661,500	\$22,000		\$79,822,400
Charitable Institutions Endowment Income					
Fund	1,534,400				1,534,400
Normal School Endowment Income					
Fund	2,205,000				2,205,000
Unrestricted					
Fund	<u>35,372,200</u>	<u>26,655,700</u>	<u>3,697,000</u>		<u>65,724,900</u>
TOTAL	\$117,250,500	\$28,317,200	\$3,719,000		\$149,286,700

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
III. UNIVERSITY OF IDAHO:					
FROM:					
General					
Fund	\$81,559,000	\$7,605,100	\$3,562,800		\$92,726,900
Agricultural College Endowment Income					
Fund	923,500	165,000	358,700		1,447,200
Scientific School Endowment Income					
Fund	3,407,700		1,418,700		4,826,400
University Endowment Income					
Fund		3,188,300	1,036,900		4,225,200
Unrestricted					
Fund	<u>52,829,100</u>	<u>21,905,600</u>	<u>843,600</u>		<u>75,578,300</u>
TOTAL	\$138,719,300	\$32,864,000	\$7,220,700		\$178,804,000
IV. LEWIS-CLARK STATE COLLEGE:					
FROM:					
General					
Fund	\$14,936,300	\$1,810,000	\$440,000		\$17,186,300
Normal School Endowment Income					
Fund		2,205,000			2,205,000
Unrestricted					
Fund	<u>14,005,400</u>	<u>2,104,500</u>	<u>20,000</u>		<u>16,129,900</u>
TOTAL	\$28,941,700	\$6,119,500	\$460,000		\$35,521,200
V. SYSTEMWIDE PROGRAMS:					
FROM:					
General					
Fund		\$2,057,800		\$4,158,000	\$6,215,800
GRAND TOTAL	\$455,701,800	\$98,866,000	\$18,060,600	\$4,158,000	\$576,786,400

SECTION 2. NON-GENERAL FUND 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 any unexpended and unencumbered balances of moneys categorized as dedicated funds appropriated or reappropriated for fiscal year 2018 to be used for nonrecurring expenditures for the period July 1, 2018, through June 30, 2019.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2019, the State Board of Education and the Board of Regents of the University of Idaho for College and Universities 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, 2018, through June 30, 2019. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. SYSTEMWIDE NEEDS. It is the intent of the Legislature that 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.

Approved March 23, 2018

CHAPTER 248
(S.B. No. 1346)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC DEFENSE COMMISSION; APPROPRIATING MONEYS TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT REGARDING THE ALLOCATION OF TRUSTEE AND BENEFIT PAYMENTS IN FISCAL YEAR 2019; PROVIDING LEGISLATIVE INTENT REGARDING ENCUMBRANCES IN FISCAL YEAR 2019; PROVIDING LEGISLATIVE INTENT REGARDING THE ALLOCATION OF TRUSTEE AND BENEFIT PAYMENTS IN FISCAL YEAR 2018; PROVIDING LEGISLATIVE INTENT REGARDING ENCUMBRANCES IN FISCAL YEAR 2018; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Public Defense Commission from the General Fund the following amounts to be expended for the designated expense classes for the period July 1, 2018, through June 30, 2019:

FOR:

Personnel Costs	\$561,600
Operating Expenditures	217,500
Trustee and Benefit Payments	<u>5,025,700</u>
TOTAL	\$5,804,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Defense Commission is authorized no more than six (6.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. ALLOCATION OF TRUSTEE AND BENEFIT PAYMENTS. Of the amount appropriated as trustee and benefit payments in Section 1 of this act, no more than \$4,452,600 shall be expended for formula grants pursuant to Sections 19-862A and 19-851(8), Idaho Code; no more than \$150,000 shall be expended to incentivize the establishment of joint public defender offices pursuant to Section 19-862A(3), Idaho Code; and no more than \$423,100 shall be expended for extraordinary litigation costs pursuant to Section 19-850(2)(e), Idaho Code. Any remaining unexpended amounts not so used shall revert to the General Fund.

SECTION 4. ENCUMBRANCES. Notwithstanding any other provision of law to the contrary, the Public Defense Commission shall not transfer or encumber amounts appropriated as trustee and benefit payments in Section 1 of this act.

SECTION 5. ALLOCATION OF TRUSTEE AND BENEFIT PAYMENTS. Of the amount appropriated as trustee and benefit payments in Section 1, Chapter 205, Laws of 2017, no more than \$4,452,600 shall be expended for formula grants pursuant to Sections 19-862A and 19-851(8), Idaho Code; no more than \$150,000 shall be expended to incentivize the establishment of joint public defender offices pursuant to Section 19-862A(3), Idaho Code; and no more than \$423,100 shall be expended for extraordinary litigation costs pursuant to Section 19-850(2)(e), Idaho Code. Any remaining unexpended amounts not so used shall revert to the General Fund.

SECTION 6. ENCUMBRANCES. Notwithstanding any other provision of law to the contrary, the Public Defense Commission shall not transfer or encumber amounts appropriated as trustee and benefit payments in Section 1, Chapter 205, Laws of 2017.

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

Law without signature.

CHAPTER 249

(H.B. No. 429, As Amended in the Senate)

AN ACT

RELATING TO CRIME VICTIMS COMPENSATION; AMENDING SECTION 72-1016, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIMITATIONS ON AWARDS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 72-1019, IDAHO CODE, TO REVISE A PROVISION REGARDING PAYMENT FOR THE COSTS OF FORENSIC AND MEDICAL EXAMINATIONS OF ALLEGED VICTIMS OF SEXUAL ASSAULT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 72-1016, Idaho Code, be, and the same is hereby amended to read as follows:

72-1016. LIMITATIONS ON AWARDS. (1) Compensation may not be awarded unless the claim is filed with the commission within one (1) year after the day the criminally injurious conduct occurred causing the injury or death upon which the claim is based. The time for filing a claim may be extended by the commission for good cause shown.

(2) Compensation may not be awarded to a claimant who is the offender or an accomplice of the offender or to any claimant if the award would unjustly benefit the offender or accomplice.

(3) Compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within seventy-two (72) hours after its occurrence or the commission finds there was good cause for the failure to report within that time.

(4) In order to be entitled to benefits under this chapter, a claimant must fully cooperate with all law enforcement agencies and prosecuting attorneys in the apprehension and prosecution of the offender causing the criminally injurious conduct. The commission, upon finding that the

claimant or victim has not fully cooperated with appropriate law enforcement agencies or prosecuting attorneys, may deny or reconsider and reduce an award of compensation.

(5) Subject to the limitations on payments for the costs of forensic and medical examinations of alleged victims of sexual assault described in section 72-1019(2), Idaho Code, compensation otherwise payable to a claimant shall be reduced or denied to the extent the compensation benefits payable are or can be recouped from collateral sources.

(6) Persons serving a sentence of imprisonment or residing in any other public institution ~~which~~ that provides for the maintenance of such persons are not entitled to the benefits of this chapter.

(7) (a) Compensation may be denied or reduced if the victim contributed to the infliction of death or injury with respect to which the claim is made. Any reduction in benefits under this subsection paragraph shall be in proportion to what the commission finds to be the victim's contribution to the infliction of death or injury.

(b) Compensation otherwise payable to a claimant shall be reduced by fifty percent (50%) if at the time the injury was incurred the claimant was engaged in a felony or was in violation of section 18-8004 or 67-7034, Idaho Code, and compensation otherwise payable may be further reduced pursuant to regulation of the industrial commission if the claimant's actions contributed to the injury.

SECTION 2. That Section 72-1019, Idaho Code, be, and the same is hereby amended to read as follows:

72-1019. COMPENSATION BENEFITS. (1) A claimant is entitled to weekly compensation benefits when the claimant has a total actual loss of wages due to injury as a result of criminally injurious conduct. During the time the claimant seeks such weekly benefits, the claimant, as a result of such injury, must have no reasonable prospect of being regularly employed in the normal labor market. The weekly benefit amount is sixty-six and two-thirds percent (66 2/3%) of the wages received at the time of the criminally injurious conduct, subject to a maximum of one hundred seventy-five dollars (\$175). Weekly compensation payments shall be made at the end of each two (2) week period. No weekly compensation payments may be paid for the first week after the criminally injurious conduct occurred, but if total actual loss of wages continues for one (1) week, weekly compensation payments shall be paid from the date the wage loss began. Weekly compensation payments shall continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market.

(2) The commission may order payment of reasonable expenses actually incurred by the claimant for reasonable services by a physician or surgeon, reasonable hospital services and medicines, mental health counseling and care, and such other treatment as may be approved by the commission for the injuries suffered due to criminally injurious conduct. Payment for the costs of forensic and medical examinations of alleged victims of sexual assault performed for the purposes of gathering evidence for possible prosecution, after collections from any federal or federally-financed third party who has liability, shall be made by the commission; provided however that payment for the costs of forensic and medical examinations of alleged victims under eighteen (18) years of age shall be made by the commission after collections from any third party who has liability. The commission shall establish a procedure for summary processing of such claims.

(3) (a) The dependents of a victim who is killed as a result of criminally injurious conduct are entitled to receive aggregate weekly benefits amounting to sixty-six and two-thirds percent (66 2/3%) of the wages received at the time of the criminally injurious conduct causing the death, subject to a maximum of one hundred seventy-five dollars

(\$175) per week. Weekly compensation payments shall be made at the end of each two (2) week period.

(b) Benefits under ~~subsection (3) paragraph~~ (a) of this subsection shall be paid to the spouse for the benefit of the spouse and other dependents unless the commission determines that other payment arrangements should be made. If a spouse dies or remarries, benefits under ~~subsection (3) paragraph~~ (a) of this subsection shall cease to be paid to the spouse but shall continue to be paid to the other dependents ~~so~~ as long as their dependent status continues.

(4) Reasonable funeral and burial or cremation expenses of the victim, together with actual expenses of transportation of the victim's body, shall be paid in an amount not exceeding five thousand dollars (\$5,000) if all other collateral sources have properly paid such expenses but have not covered all such expenses.

(5) (a) Compensation payable to a victim and all of the victim's dependents in cases of the victim's death, because of injuries suffered due to an act or acts of criminally injurious conduct involving the same offender and occurring within a six (6) month period, may not exceed twenty-five thousand dollars (\$25,000) in the aggregate.

(b) The limitation of ~~subsection (5) paragraph~~ (a) of this subsection is subject to the further limitation that payments for mental health treatment received as a result of the victim's injury may not exceed two thousand five hundred dollars (\$2,500) unless the industrial commission finds extenuating circumstances. If the commission finds a victim to have extenuating circumstances as defined in section 72-1003, Idaho Code, the victim is eligible for payments up to the maximum benefit allowed under paragraph (a) of this subsection ~~(5)~~. The commission shall reevaluate the victim's qualifications for extenuating circumstances not less often than annually.

(6) Compensation benefits are not payable for pain and suffering or property damage.

(7) (a) A person who has suffered injury as a result of criminally injurious conduct and, as a result of such injury, has no reasonable prospect of being regularly employed in the normal labor market, who was employable but was not employed at the time of such injury, may in the discretion of the commission be awarded weekly compensation benefits in an amount determined by the commission not to exceed one hundred fifty dollars (\$150) per week. Weekly compensation payments shall continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market or for a shorter period as determined by the commission. The claimant shall be awarded benefits as provided in subsection (2) of this section.

(b) The dependents of a victim who is killed as a result of criminally injurious conduct and who was employable but not employed at the time of death, may, in the discretion of the commission, be awarded, in an aggregate amount payable to all dependents, a sum not to exceed one hundred fifty dollars (\$150) per week, which shall be payable in the manner and for the period provided by subsection (3) (b) of this section or for such shorter period as determined by the commission. The claimant shall be awarded benefits as provided in subsection (4) of this section.

(c) Compensation payable to a victim or a victim's dependents under this subsection may not exceed twenty thousand dollars (\$20,000), and the limitations of subsection (6) of this section apply to compensation under this subsection ~~(7)~~.

(8) Amounts payable as weekly compensation may not be commuted to a lump sum and may not be paid less frequently than every two (2) weeks.

(9) (a) Subject to the limitations in ~~subsections (9) paragraphs~~ (b) and ~~(9) (c)~~ of this subsection, the spouse, parent, grandparent, child, grandchild, brother or sister of a victim who is killed, kidnapped, sex-

ually assaulted or subjected to domestic violence or child injury is entitled to reimbursement for mental health treatment received as a result of such criminally injurious conduct.

(b) Total payments made under ~~subsection (9)~~ paragraph (a) of this ~~subsection~~, may not exceed five hundred dollars (\$500) for each person or one thousand five hundred dollars (\$1,500) for a family.

(c) With regard to claims filed pursuant to this section, in order for family members of victims of crime to be entitled to benefits, the victim of the crime must also have been awarded benefits for the crime itself.

(10) A claimant or a spouse, parent, child or sibling of a claimant or victim may be reimbursed for his or her expenses for necessary travel incurred in connection with obtaining benefits covered pursuant to this chapter and in accordance with rules of the commission.

Approved March 26, 2018

CHAPTER 250
(H.B. No. 443)

AN ACT

RELATING TO FIREARMS SAFETY; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1628, IDAHO CODE, TO AUTHORIZE AND ENCOURAGE A SCHOOL DISTRICT TO ADOPT AN ELECTIVE COURSE IN FIREARMS SAFETY EDUCATION AND TO AUTHORIZE INSTRUCTORS.

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

SECTION 1. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1628, Idaho Code, and to read as follows:

33-1628. FIREARMS SAFETY EDUCATION IN PRIMARY AND SECONDARY SCHOOLS. The board of trustees of a school district is encouraged to establish and maintain a firearms safety education course for primary and secondary school students. The trustees may adopt an elective course of instruction developed by the department of fish and game, a law enforcement agency, or a national firearms association as its firearms safety education course. Instructors from the department of fish and game, a law enforcement agency or a national firearms association, or a person recognized by the trustees as having expertise in firearms safety education may provide the course instruction.

Approved March 26, 2018

CHAPTER 251
(H.B. No. 466)

AN ACT

RELATING TO MINIMUM WAGE; AMENDING SECTION 44-1504, IDAHO CODE, TO PROVIDE AN EXEMPTION TO THE APPLICABILITY OF MINIMUM WAGE LAW FOR ANY EMPLOYEE UNDER THE AGE OF EIGHTEEN YEARS WHO IS EMPLOYED BY AN IMMEDIATE FAMILY MEMBER OR SUCH FAMILY MEMBER'S BUSINESS.

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

SECTION 1. That Section 44-1504, Idaho Code, be, and the same is hereby amended to read as follows:

44-1504. EMPLOYEES EXCEPTED FROM PROVISIONS OF ACT. The provisions of this act shall not apply to:

- (1) Any employee employed in a bona fide executive, administrative or professional capacity; or
- (2) Anyone engaged in domestic service; or
- (3) Any individual employed as an outside salesman; or
- (4) Seasonal employees of a nonprofit camping program; or
- (5) Any child under the age of sixteen (16) years working part time or at odd jobs not exceeding a total of four (4) hours per day with any one (1) employer; or
- (6) Any employee under the age of eighteen (18) years who is employed by an immediate family member or such family member's business; or
- (7) Any individual employed in agriculture if:
 - (a) Such employee is the parent, spouse, child or other member of his employer's immediate family; or
 - (b) Such employee is older than sixteen (16) years of age and:
 - (i) Is employed as a harvest laborer and is paid on a piece-rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece-rate basis in the region of employment, and
 - (ii) Commutes daily from his permanent residence to the farm on which he is so employed, and
 - (iii) Has been employed in agriculture less than thirteen (13) weeks during the preceding calendar year; or
 - (c) Such employee is sixteen (16) years of age or under and:
 - (i) Is employed as a harvest laborer, is paid on a piece-rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece-rate basis in the region of employment, and
 - (ii) Is employed on the same farm as his parent or person standing in the place of his parent, and
 - (iii) Is paid at the same piece-rate basis as employees over the age of sixteen (16) years are paid on the same farm; or
 - (d) Such employee is principally engaged in the range production of livestock.

Approved March 26, 2018

CHAPTER 252
(H.B. No. 500)

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 74-124, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM DISCLOSURE FOR CERTAIN RECORDS.

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

SECTION 1. That Section 74-124, Idaho Code, be, and the same is hereby amended to read as follows:

74-124. EXEMPTIONS FROM DISCLOSURE -- CONFIDENTIALITY. (1) Notwithstanding any statute or rule of court to the contrary, nothing in this chapter nor chapter 10, title 59, Idaho Code, shall be construed to require disclosure of investigatory records compiled for law enforcement purposes by a law enforcement agency, but such exemption from disclosure applies only to the extent that the production of such records would:

- (a) Interfere with enforcement proceedings;
- (b) Deprive a person of a right to a fair trial or an impartial adjudication;
- (c) Constitute an unwarranted invasion of personal privacy;
- (d) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement agency in the course of a criminal investigation, confidential information furnished only by the confidential source;
- (e) Disclose investigative techniques and procedures; ~~or~~
- (f) Endanger the life or physical safety of law enforcement personnel;
- or
- (g) Disclose the identity of a reporting party maintained by any law enforcement entity or the department of health and welfare relating to the investigation of child abuse, neglect or abandonment unless the reporting party consents in writing to the disclosure or the disclosure of the reporting party's identity is required in any administrative or judicial proceeding.

(2) Notwithstanding subsection (1) of this section, any person involved in a motor vehicle collision which is investigated by a law enforcement agency, that person's authorized legal representative and the insurer shall have a right to a complete, unaltered copy of the impact report, or its successors, and the final report prepared by the agency.

(3) An inactive investigatory record shall be disclosed unless the disclosure would violate the provisions of subsection (1) (a) through (fg) of this section. Investigatory record as used herein means information with respect to an identifiable person or group of persons compiled by a law enforcement agency in the course of conducting an investigation of a specific act or omission and shall not include the following information:

- (a) The time, date, location, and nature and description of a reported crime, accident or incident;
- (b) The name, sex, age, and address of a person arrested, except as otherwise provided by law;
- (c) The time, date, and location of the incident and of the arrest;
- (d) The crime charged;
- (e) Documents given or required by law to be given to the person arrested;

(f) Informations and indictments except as otherwise provided by law; and

(g) Criminal history reports.

As used herein, the term "law enforcement agency" means the office of the attorney general, the office of the state controller, the Idaho state police, the office of any prosecuting attorney, sheriff or municipal police department.

(4) Whenever it is made to appear by verified petition to the district court of the county where the records or some part thereof are situated that certain investigative records are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose the investigative record or show cause why he should not do so. The court shall decide the case after examining the record in camera, papers filed by the parties, and such oral argument and additional evidence as the court may allow.

If the court finds that the public official's decision to refuse disclosure is not justified, he shall order the public official to make the record public. If the judge determines that the public official was justified in refusing to make the record public, he shall return the item to the public official without disclosing its content with an order supporting the decision refusing disclosure. Any person who fails to obey the order of the court shall be cited to show cause why he is not in contempt of court. The court may, in its discretion, award costs and fees to the prevailing party.

Approved March 26, 2018

CHAPTER 253

(H.B. No. 507, As Amended)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-420P, IDAHO CODE, TO PROVIDE FOR IDAHO ROTARY INTERNATIONAL SPECIALTY LICENSE PLATES; AND AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-420P, Idaho Code, and to read as follows:

49-420P. IDAHO ROTARY INTERNATIONAL PLATES. (1) Any person who is the owner of a vehicle registered under the provisions of section 49-402, Idaho Code, or registered under any other section of law for which the purchase of special plates is allowed, may apply for and, upon department approval, receive Idaho Rotary International license plates in lieu of regular license plates. The provisions of this section shall not apply to any vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds. Availability of Idaho Rotary International license plates for other vehicles shall be subject to the rules, policies and procedures of the department.

(2) In addition to the regular registration fee required in chapter 4, title 49, Idaho Code, the applicant shall be charged a fee of thirty-five dollars (\$35.00) for the initial issuance of plates, and twenty-five dollars (\$25.00) upon each succeeding annual registration. Thirteen dollars (\$13.00) of the initial fee and thirteen dollars (\$13.00) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program. Twenty-two dollars (\$22.00) of each initial fee and twelve dollars (\$12.00) of each renewal fee shall be transferred by the state treasurer for deposit with the Boise Southwest Rotary Foundation, which in turn will distribute the funds between the three (3) state districts: Boise Southwest Rotary Foundation, Rotary District 5080 Charitable Programs, Inc., and District 5400 Charitable Programs, Inc. The Boise Southwest Rotary Foundation shall distribute funds generated by license plate purchasers in each district to that district. The moneys shall be used solely for charitable efforts in Idaho, and none can be used for club activities or administrative costs.

(3) Whenever title or interest in a vehicle registered under the provisions of this section is transferred or assigned, the owner may transfer the special plates to another vehicle upon payment of the required transfer fees. The owner may only display the plates on another vehicle upon receipt of the new registration from the department.

(4) The Idaho Rotary International license plate shall be of a color and design in accordance with the provisions of section 49-402C, Idaho Code. That portion of the design that features the Idaho Rotary International design shall be acceptable to the Boise Southwest Rotary Foundation and shall be approved by the Idaho transportation department utilizing a numbering system as determined by the department. Initial costs of the plate program, including costs of plate design, shall be paid by the Boise Southwest Rotary Foundation.

(5) Sample Idaho Rotary International license plates may be purchased for a fee of thirty dollars (\$30.00), thirteen dollars (\$13.00) of which shall be deposited in the state highway account and seventeen dollars (\$17.00) of which shall be transferred to the Boise Southwest Rotary Foundation and shall be used for purposes as provided in subsection (2) of this section.

SECTION 2. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup truck, each neighborhood electric vehicle and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds and that complies with the federal motor vehicle safety standards as defined in section 49-107, Idaho Code, shall be:

Vehicles one (1) and two (2) years old	\$69.00
Vehicles three (3) and four (4) years old	\$57.00
Vehicles five (5) and six (6) years old	\$57.00
Vehicles seven (7) and eight (8) years old	\$45.00
Vehicles over eight (8) years old	\$45.00

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration stickers numbered 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period

under the staggered registration system for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above-designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing. Vehicles may be initially registered for less than a twelve (12) month period, or for more than a twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration tends to fulfill the purpose of the monthly series registration system.

(2) For all school buses operated either by a nonprofit, nonpublic school or operated pursuant to a service contract with a school district for transporting children to or from school or in connection with school-approved activities, the annual fee shall be twenty-four dollars (\$24.00) and shall be subject to staggered registration for the purpose of reregistration and notice of expiration.

(3) For all motorcycles and motor-driven cycles that comply with the federal motor vehicle safety standards, operated upon the public highways, the annual fee shall be nineteen dollars (\$19.00) and shall be subject to staggered registration for the purpose of reregistration and notice of expiration.

(4) For operation of an all-terrain vehicle, utility type vehicle or motorbike, excluding a motorbike with an engine displacement of fifty (50) cubic centimeters or less, on city, county or highway district roads or highways open to such use, a restricted vehicle license plate fee pursuant to section 49-450, Idaho Code, shall be paid. In addition, the registration fee specified in section 67-7122, Idaho Code, shall be paid as provided in section 67-7122, Idaho Code. The registration and restricted vehicle license plate exemption provided in section 49-426(2), Idaho Code, applies to all-terrain vehicles, utility type vehicles, motorbikes and motorcycles used for the purposes described in section 49-426(2), Idaho Code. Nonresidents shall be allowed to purchase a restricted vehicle license plate and sticker for an all-terrain vehicle, utility type vehicle or motorbike.

(5) For all motor homes, the fee shall be as specified in subsection (1) of this section and shall be in addition to the fees provided for in section 49-445, Idaho Code.

(6) Registration fees shall not be subject to refund.

(7) A financial institution or repossession service contracted to a financial institution repossessing vehicles under the terms of a security agreement shall move the vehicle from the place of repossession to the financial institution's place of business on a repossession plate. The repossession plate shall also be used for demonstrating the vehicle to a prospective purchaser for a period not to exceed ninety-six (96) hours. The registration fees for repossession plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee. The repossession plate shall be subject to staggered registration for the purpose of reregistration and notice of expiration.

(8) A wrecker or towing business engaged in the process of towing motorized vehicles, which have been wrecked, abandoned, salvaged or may be disabled, may apply for a wrecker plate to be displayed on those vehicles being towed, provided the power unit is properly registered under this chapter. The registration fees for wrecker plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee and shall be subject to staggered registration for the purpose of reregistration and notice of expiration.

(9) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars (\$15.00) for all special license plate programs for those license plates issued pursuant to sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee. For special plates issued pursuant to sections 49-415D, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-418A, 49-418B, 49-418C, 49-419, 49-419A, 49-419C, 49-419E, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E, 49-420J, 49-420K, 49-420L, 49-420M, 49-420N, and 49-420O, and 49-420P, Idaho Code, and any new special plate program effective on and after January 1, 2013, pursuant to section 49-402D, Idaho Code, there shall be an initial program fee of thirty-five dollars (\$35.00) and an annual program fee of twenty-five dollars (\$25.00). The fees contained in this subsection shall be applicable to all new special plate programs and shall be subject to staggered registration for the purpose of reregistration and notice of expiration. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs, unless otherwise specified by law.

(10) Any vehicle that does not meet federal motor vehicle safety standards shall not be registered and shall not be permitted to operate on public highways of the state, as defined in section 40-117, Idaho Code, unless otherwise specifically authorized.

(11) In addition to annual registration fees as provided in this section, registrants may pay a fee to purchase an Idaho state parks passport authorizing resident motor vehicle entry into all Idaho state parks. Registrants may pay the fee for a one (1) year or two (2) year period of time. The fee shall be ten dollars (\$10.00) for one (1) year and twenty dollars (\$20.00) for two (2) years. All fees collected pursuant to this subsection shall be deposited into the park and recreation fund and shall be subject to appropriation. Fees collected pursuant to this subsection shall not be considered a motor vehicle registration fee as provided in section 17, article VII, of the constitution of the state of Idaho.

Approved March 26, 2018

CHAPTER 254
(H.B. No. 551)

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 18-8002, IDAHO CODE, TO REVISE THE PENALTY FOR REFUSING TO SUBMIT TO EVIDENTIARY TESTING, TO REVISE TERMINOLOGY, TO PROVIDE EXCEPTIONS, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8002A, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOTICE TO CERTAIN PERSONS WHO REFUSE TO SUBMIT TO OR FAIL TO COMPLETE AND PASS CERTAIN TESTING, TO REVISE A PENALTY, TO PROVIDE FOR THE INSTALLATION OF AN IGNITION INTERLOCK SYSTEM FOR CERTAIN PERSONS, TO REVISE PROVISIONS REGARDING ADMINISTRATIVE HEARINGS, TO PROVIDE THAT A COURT MAY CONSIDER CERTAIN FACTORS, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8005, IDAHO CODE, TO REVISE PENALTIES, TO REVISE TERMINOLOGY, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8008, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE FOR THE INSTALLATION OF AN IGNITION INTERLOCK SYSTEM FOR CERTAIN PERSONS, TO PROVIDE CODE REFERENCES, TO REMOVE REFERENCE TO ELECTRONIC MONITORING DEVICES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 80, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8008A, IDAHO CODE, TO PROVIDE THAT A COURT MAY ORDER CERTAIN PERSONS TO USE AN ELECTRONIC MONITORING DEVICE AND TO PROVIDE FOR CERTAIN FEES; AMENDING SECTION 18-8010, IDAHO CODE, TO PROVIDE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-101A, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that this act shall be implemented in conjunction with the Sobriety and Drug Monitoring Program created in Sections 67-1412 through 67-1416, Idaho Code, and shall not repeal or modify the Sobriety and Drug Monitoring Program or any other such program administered by a city, municipality or county in this state.

SECTION 2. That Section 18-8002, Idaho Code, be, and the same is hereby amended to read as follows:

18-8002. TESTS OF DRIVER FOR ALCOHOL CONCENTRATION, PRESENCE OF DRUGS OR OTHER INTOXICATING SUBSTANCES -- PENALTY AND SUSPENSION UPON REFUSAL OF TESTS. (1) Any person who drives or is in actual physical control of a motor vehicle in this state shall be deemed to have given his consent to evidentiary testing for concentration of alcohol as defined in section 18-8004, Idaho Code, and to have given his consent to evidentiary testing for the presence of drugs or other intoxicating substances, provided that such testing is administered at the request of a peace officer having reasonable grounds to believe that person has been driving or was in actual physical control of a motor vehicle in violation of the provisions of section 18-8004, ~~Idaho Code,~~ or section 18-8006, Idaho Code.

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

(3) At the time evidentiary testing for concentration of alcohol, or for the presence of drugs or other intoxicating substances is requested, the person shall be informed that if he refuses to submit to or if he fails to complete, evidentiary testing:

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

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

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

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

(de) Provided however, if he is admitted to a problem solving court program and has served at least forty-five (45) days of an absolute suspension of driving privileges, then he may be eligible for a restricted permit for the purpose of getting to and from work, school or an alcohol treatment program, but only if a state approved ignition interlock system has been installed, at his expense, on all motor vehicles operated by him; and

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

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

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

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

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

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

section 18-8008, Idaho Code, on all motor vehicles operated by him for a period to end one (1) year following the end of the suspension period;

(de) Notwithstanding the provisions of ~~subsection (4) paragraphs (bc)~~ and (ed) of this subsection, if the defendant is enrolled in and is a participant in good standing in a drug court or mental health court approved by the supreme court drug court and mental health court coordinating committee under the provisions of chapter 56, title 19, Idaho Code, or other similar problem solving court utilizing community-based sentencing alternatives, then the defendant shall be eligible for restricted noncommercial driving privileges for the purpose of getting to and from work, school or an alcohol treatment program, which may be granted by the presiding judge of the drug court or mental health court or other similar problem solving court, provided that the defendant has served a period of absolute suspension of driving privileges of at least forty-five (45) days, that a state approved ignition interlock system meeting the requirements set forth in section 18-8008, Idaho Code, is installed, and for repeat offenders it shall be maintained for not less than one (1) year at his expense, on each of the all motor vehicles owned or operated, or both, by the defendant him for a period to end one (1) year following the end of the suspension period and that the defendant has shown proof of financial responsibility as defined and in the amounts specified in section 49-117, Idaho Code, provided that the restricted noncommercial driving privileges and the requirement of a state approved ignition interlock system may be continued if the defendant successfully completes the drug court, mental health court or other similar problem solving court, and that the court may revoke such privileges for failure to comply with the terms of probation or with the terms and conditions of the drug court, mental health court or other similar problem solving court program; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) Notwithstanding any other provision of law to the contrary, the civil penalty imposed under the provisions of this section must be paid, as ordered by the court, to the county justice fund or the county current expense fund where the incident occurred. If a person does not pay the civil penalty imposed as provided in this section within thirty (30) days of the imposition, unless this period has been extended by the court for good cause shown, the prosecuting attorney representing the political subdivision where the incident occurred may petition the court in the jurisdiction where the incident occurred to file the order imposing the civil penalty as an

order of the court. Once entered, the order may be enforced in the same manner as a final judgment of the court. In addition to the civil penalty, attorney's fees, costs and interest may be assessed against any person who fails to pay the civil penalty.

(12) Upon motion of the person required to install an ignition interlock device pursuant to subsection (4) (b) of this section, a court in its discretion may relieve the person from the installation of the device where the court finds it clear and convincing that the person will not present a danger to the public or that there are exceptional or mitigating circumstances demonstrating that installation of the device is unnecessary or unwarranted. Financial hardship, standing alone, is not an exceptional or mitigating circumstance.

(13) A court may determine that an offender is eligible to utilize available funds from the court interlock device and electronic monitoring device fund, as outlined in section 18-8010, Idaho Code, for the installation and operation of an ignition interlock device, based on evidence of financial hardship.

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

SECTION 3. That Section 18-8002A, Idaho Code, be, and the same is hereby amended to read as follows:

18-8002A. TESTS OF DRIVER FOR ALCOHOL CONCENTRATION, PRESENCE OF DRUGS OR OTHER INTOXICATING SUBSTANCES -- SUSPENSION UPON FAILURE OF TESTS. (1) Definitions. As used in this section:

(a) "Actual physical control" means being in the driver's position of a motor vehicle with the motor running or with the vehicle moving.

(b) "Administrative hearing" means a hearing conducted by a hearing officer to determine whether a suspension imposed by the provisions of this section should be vacated or sustained.

(c) "Department" means the Idaho transportation department and, as the context requires, shall be construed to include any agent of the department designated by rule as hereinafter provided.

(d) "Director" means the director of the Idaho transportation department.

(e) "Evidentiary testing" means a procedure or test or series of procedures or tests utilized to determine the concentration of alcohol or the presence of drugs or other intoxicating substances in a person, including additional testing authorized by subsection (6) of this section. An evidentiary test for alcohol concentration shall be based on a formula of grams of alcohol per one hundred (100) cubic centimeters of blood, per two hundred ten (210) liters of breath, or per sixty-seven (67) milliliters of urine. Analysis of blood, breath or urine for the purpose of determining alcohol concentration shall be performed by a laboratory operated by the Idaho state police or by a laboratory approved by the Idaho state police under the provisions of approval and certification standards to be set by the Idaho state police, or by any other method approved by the Idaho state police. Notwithstanding any other provision of law or rule of court, the results of any test for alcohol concentration and records relating to calibration, approval, certification or quality control performed by a laboratory operated and approved by the Idaho state police or by any other method approved by the Idaho state police shall be admissible in any proceeding in this state without the necessity of producing a witness to establish the reliability of the testing procedure for examination.

(f) "Hearing officer" means a person designated by the department to conduct administrative hearings. The hearing officer shall have authority to administer oaths, examine witnesses and take testimony,

receive relevant evidence, issue subpoenas, regulate the course and conduct of the hearing and make a final ruling on the issues before him.

(g) "Hearing request" means a request for an administrative hearing on the suspension imposed by the provisions of this section.

(2) Information to be given. At the time of evidentiary testing for concentration of alcohol, or for the presence of drugs or other intoxicating substances is requested, the person shall be informed that if the person refuses to submit to or fails to complete evidentiary testing, or if the person submits to and completes evidentiary testing and the test results indicate an alcohol concentration or the presence of drugs or other intoxicating substances in violation of section 18-8004, 18-8004C or 18-8006, Idaho Code, the person shall be informed substantially as follows (but need not be informed verbatim):

If you refuse to submit to or if you fail to complete and pass evidentiary testing for alcohol or other intoxicating substances:

(a) The peace officer will issue a notice of suspension and you will be required to install, at your expense, a state approved ignition interlock system on all motor vehicles you operate for a period to end one (1) year following the end of the suspension period;

(b) You have the right to request a hearing within seven (7) days of the notice of suspension of your driver's license to show cause why you refused to submit to or to complete and pass evidentiary testing and why your driver's license should not be suspended;

(c) If you refused or failed to complete evidentiary testing and do not request a hearing before the court or do not prevail at the hearing, your driver's license will be suspended and you will be required to install, at your expense, a state approved ignition interlock system on all motor vehicles you operate for a period to end one (1) year following the end of the suspension period. The suspension will be for one (1) year if this is your first refusal. The suspension will be for two (2) years if this is your second refusal within ten (10) years. You will not be able to obtain a temporary restricted license during that period;

(d) If you complete evidentiary testing and fail the testing and do not request a hearing before the department or do not prevail at the hearing, your driver's license will be suspended and you will be required to install, at your expense, a state approved ignition interlock system on all motor vehicles you operate for a period to end one (1) year following the end of the suspension period. This suspension will be for ninety (90) days if this is your first failure of evidentiary testing, but you may request restricted noncommercial vehicle driving privileges after the first thirty (30) days. The suspension will be for one (1) year if this is your second failure of evidentiary testing within five (5) years. You will not be able to obtain a temporary restricted license during that period;

(e) However, if you are admitted to a problem solving court program and have served at least forty-five (45) days of an absolute suspension of driving privileges, you may be eligible for a restricted permit for the purpose of getting to and from work, school or an alcohol treatment program, but only if you install, at your expense, a state approved ignition interlock system on all motor vehicles you operate; and

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

(3) Rulemaking authority of the Idaho state police. The Idaho state police may, pursuant to chapter 52, title 67, Idaho Code, prescribe by rule:

(a) What testing is required to complete evidentiary testing under this section; and

(b) What calibration or checking of testing equipment must be performed to comply with the department's requirements. Any rules of the Idaho

state police shall be in accordance with the following: a test for alcohol concentration in breath as defined in section 18-8004, Idaho Code, and subsection (1) (e) of this section will be valid for the purposes of this section if the breath alcohol testing instrument was approved for testing by the Idaho state police in accordance with section 18-8004, Idaho Code, at any time within ninety (90) days before the evidentiary testing. A test for alcohol concentration in blood or urine as defined in section 18-8004, Idaho Code, that is reported by the Idaho state police or by any laboratory approved by the Idaho state police to perform this test will be valid for the purposes of this section.

(4) Suspension and ignition interlock system.

(a) Upon receipt of the sworn statement of a peace officer that there existed legal cause to believe a person had been driving or was in actual physical control of a motor vehicle while under the influence of alcohol, drugs or other intoxicating substances and that the person submitted to a test and the test results indicated an alcohol concentration or the presence of drugs or other intoxicating substances in violation of section 18-8004, 18-8004C or 18-8006, Idaho Code, the department shall suspend the person's driver's license, driver's permit, driving privileges or nonresident driving privileges:

(i) For a period of ninety (90) days for a first failure of evidentiary testing under the provisions of this section. The first thirty (30) days of the suspension shall be absolute and the person shall have absolutely no driving privileges of any kind. Restricted noncommercial vehicle driving privileges applicable during the remaining sixty (60) days of the suspension may be requested as provided in subsection (9) of this section.

(ii) For a period of one (1) year for a second and any subsequent failure of evidentiary testing under the provisions of this section within the immediately preceding five (5) years. No driving privileges of any kind shall be granted during the suspension imposed pursuant to this subsection.

The department shall also direct the installation, at the offender's expense, of a state approved ignition interlock system meeting the requirements of section 18-8008, Idaho Code, on all motor vehicles operated by the offender for a period to end one (1) year following the end of the suspension period.

The person may request an administrative hearing on the suspension as provided in subsection (7) of this section. Any right to contest the suspension shall be waived if a hearing is not requested as therein provided.

(b) The suspension shall become effective thirty (30) days after service upon the person of the notice of suspension and notice of the requirement to install, at his expense, a state approved ignition interlock system for a period to end one (1) year following the end of the suspension period. The notice shall be in a form provided by the department and shall state:

(i) The reason and statutory grounds for the suspension and the requirement to install the ignition interlock system;

(ii) The effective date of the suspension and the requirement to install the ignition interlock system;

(iii) The suspension periods to which the person may be subject as provided in subsection (4) paragraph (a) of this subsection;

(iv) The procedures for obtaining restricted noncommercial vehicle driving privileges;

(v) The rights of the person to request an administrative hearing on the suspension and that, if an administrative hearing is not requested within seven (7) days of service of the notice of suspen-

sion and notice of the requirement to install the ignition interlock system, the right to contest the suspension shall be waived;

(vi) The procedures for obtaining an administrative hearing on the suspension;

(vii) The right to judicial review of the hearing officer's decision on the suspension and the procedures for seeking such review.

(c) Notwithstanding the provisions of ~~subsection (4) paragraph~~ (a) (i) and (ii) of this subsection, a person who is enrolled in and is a participant in good standing in a drug court or mental health court approved by the supreme court drug court and mental health court coordinating committee under the provisions of chapter 56, title 19, Idaho Code, or other similar problem solving court utilizing community-based sentencing alternatives, shall be eligible for restricted noncommercial driving privileges for the purpose of getting to and from work, school or an alcohol treatment program, which may be granted by the presiding judge of the drug court or mental health court or other similar problem solving court, provided that the offender has served a period of absolute suspension of driving privileges of at least forty-five (45) days, that a state approved ignition interlock system is installed, ~~and for repeat offenders it shall be maintained for not less than one (1) year at his expense, on each of the all motor vehicles owned or operated, or both,~~ by the offender him for a period to end one (1) year following the end of the suspension period and that the offender has shown proof of financial responsibility as defined and in the amounts specified in section 49-117, Idaho Code, provided that the restricted noncommercial driving privileges may be continued if the offender successfully completes the drug court, mental health court or other similar problem solving court, and that the court may revoke such privileges for failure to comply with the terms of probation or with the terms and conditions of the drug court, mental health court or other similar problem solving court program.

(5) Service of suspension and ignition interlock system by peace officer or the department. If the driver submits to evidentiary testing after the information in subsection (2) of this section has been provided and the results of the test indicate an alcohol concentration or the presence of drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code:

(a) The peace officer shall, acting on behalf of the department, serve the person with a notice of suspension and notice of the requirement to install, at his expense, a state approved ignition interlock system for a period to end one (1) year following the end of the suspension period in the form and containing the information required under subsection (4) of this section. The department may serve the person with a notice of suspension and the requirement to install the ignition interlock system if the peace officer failed to ~~issue the notice of suspension do so~~ or failed to include the date of service as provided in subsection (4) (b) of this section.

(b) Within five (5) business days following service of a notice of suspension and notice of the requirement to install the ignition interlock system, the peace officer shall forward to the department a copy of the completed notice of suspension and notice of the requirement to install the ignition interlock system form upon which the date of service upon the driver shall be clearly indicated, a certified copy or duplicate original of the results of all tests for alcohol concentration, as shown by analysis of breath administered at the direction of the peace officer, and a sworn statement of the officer, which may incorporate any arrest or incident reports relevant to the arrest and evidentiary testing setting forth:

- (i) The identity of the person;
- (ii) Stating the officer's legal cause to stop the person;
- (iii) Stating the officer's legal cause to believe that the person had been driving or was in actual physical control of a motor vehicle while under the influence of alcohol, drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code;
- (iv) That the person was advised of the consequences of taking and failing the evidentiary test as provided in subsection (2) of this section;
- (v) That the person was lawfully arrested;
- (vi) That the person was tested for alcohol concentration, drugs or other intoxicating substances as provided in this chapter, and that the results of the test indicated an alcohol concentration or the presence of drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code.

If an evidentiary test of blood or urine was administered rather than a breath test, the peace officer or the department shall serve the notice of suspension once the results are received. The sworn statement required in this subsection shall be made on forms in accordance with rules adopted by the department.

(c) The department may serve the person with a notice of suspension if the peace officer failed to issue the notice of suspension or failed to include the date of service as provided in subsection (4) (b) of this section.

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

(7) Administrative hearing on suspension. A person who has been served with a notice of suspension and notice of the requirement to install the ignition interlock system after submitting to an evidentiary test may request an administrative hearing on the suspension before a hearing officer designated by the department. The hearing may be held only on the suspension and not on the requirement to install an ignition interlock system. The request for hearing shall be in writing and must be received by the department within seven (7) calendar days of the date of service upon the person of the notice of suspension, and notice of the requirement to install the ignition interlock system and shall include what issue or issues shall be raised at the hearing. The date on which the hearing request was received shall be noted on the face of the request.

If a hearing is requested, the hearing shall be held within twenty (20) days of the date the hearing request was received by the department unless this period is, for good cause shown, extended by the hearing officer for one a ten (10) day period. Such extension shall not operate as a stay of the suspension, notwithstanding an extension of the hearing date beyond such thirty (30) day period. Written notice of the date and time of the hearing shall be sent to the party requesting the hearing at least seven (7) days prior to the scheduled hearing date. The department may conduct all hearings by telephone if each participant in the hearing has an opportunity to participate in the entire proceeding while it is taking place.

The hearing shall be recorded. The sworn statement of the arresting officer, and the copy of the notice of suspension and the notice of the requirement to install the ignition interlock system issued by the officer shall

be admissible at the hearing without further evidentiary foundation. The results of any tests for alcohol concentration or the presence of drugs or other intoxicating substances by analysis of blood, urine or breath administered at the direction of the peace officer and the records relating to calibration, certification, approval or quality control pertaining to equipment utilized to perform the tests shall be admissible as provided in section 18-8004(4), Idaho Code. The arresting officer shall not be required to participate unless directed to do so by a subpoena issued by the hearing officer.

The burden of proof shall be on the person requesting the hearing. The hearing officer shall not vacate the suspension unless he finds, by a preponderance of the evidence, that:

- (a) The peace officer did not have legal cause to stop the person; or
- (b) The officer did not have legal cause to believe the person had been driving or was in actual physical control of a vehicle while under the influence of alcohol, drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code; or
- (c) The test results did not show an alcohol concentration or the presence of drugs or other intoxicating substances in violation of section 18-8004, 18-8004C or 18-8006, Idaho Code; or
- (d) The tests for alcohol concentration, drugs or other intoxicating substances administered at the direction of the peace officer were not conducted in accordance with the requirements of section 18-8004(4), Idaho Code, or the testing equipment was not functioning properly when the test was administered; or
- (e) The person was not informed of the consequences of submitting to evidentiary testing as required in subsection (2) of this section.

If the hearing officer finds that the person has not met his burden of proof, he shall sustain the suspension. The hearing officer shall make findings of fact and conclusions of law ~~on each issue~~ and shall enter an order vacating or sustaining the suspension. The findings of fact, conclusions of law and order entered by the hearing officer shall be considered a final order pursuant to the provisions of chapter 52, title 67, Idaho Code, except that motions for reconsideration of such order shall be allowed and new evidence can be submitted.

The facts as found by the hearing officer shall be independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect the suspension and the requirement to install the ignition interlock system required to be imposed under the provisions of this section. If a license is suspended under this section and the person is also convicted on criminal charges arising out of the same occurrence for a violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, both the suspension under this section and the suspension imposed pursuant to the provisions of section 18-8005 or 18-8006, Idaho Code, shall be imposed, but the periods of suspension shall run concurrently, with the total period of suspension not to exceed the longer of the applicable suspension periods, unless the court ordering the suspension in the criminal case orders to the contrary.

(8) Judicial review. A party aggrieved by the decision of the hearing officer may seek judicial review of the decision in the manner provided for judicial review of final agency action provided in chapter 52, title 67, Idaho Code. Upon motion of the person required to install an ignition interlock device pursuant to subsection (4) (a) of this section, a court in its discretion may relieve the person from the installation of the device where the court finds it clear and convincing that the person will not present a danger to the public or that there are exceptional or mitigating circumstances demonstrating that installation of the device is unnecessary

or unwarranted. Financial hardship, standing alone, is not an exceptional or mitigating circumstance. A court may determine that an offender is eligible to utilize available funds from the court interlock device and electronic monitoring device fund, as outlined in section 18-8010, Idaho Code, for the installation and operation of an ignition interlock device, based on evidence of financial hardship.

(9) Restricted noncommercial vehicle driving privileges. A person served with a notice of suspension for ninety (90) days pursuant to this section may apply to the department for restricted noncommercial vehicle driving privileges, to become effective after the thirty (30) day absolute suspension has been completed. The request may be made at any time after service of the notice of suspension. Restricted noncommercial vehicle driving privileges will be issued for the person to travel to and from work and for work purposes not involving operation of a commercial vehicle, to attend an alternative high school, work on a GED, for postsecondary education, or to meet the medical needs of the person or his family if the person is eligible for restricted noncommercial vehicle driving privileges. Any person whose driving privileges are suspended under the provisions of this chapter may be granted privileges to drive a noncommercial vehicle but shall not be granted privileges to operate a commercial motor vehicle.

(10) As used in this section, "at his expense," "at your expense" and "at the offender's expense" include the cost of obtaining, installing, using and maintaining an ignition interlock system.

(11) Rules. The department may adopt rules under the provisions of chapter 52, title 67, Idaho Code, deemed necessary to implement the provisions of this section.

SECTION 4. That Section 18-8005, Idaho Code, be, and the same is hereby amended to read as follows:

18-8005. PENALTIES. (1) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), Idaho Code, for the first time is guilty of a misdemeanor; and, except as provided in section 18-8004C, Idaho Code:

- (a) May be sentenced to jail for a term not to exceed six (6) months;
- (b) May be fined an amount not to exceed one thousand dollars (\$1,000);
- (c) Shall be advised by the court in writing at the time of sentencing of the penalties that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney; and
- (d) Shall have his driving privileges suspended by the court for a period of thirty (30) days, which shall not be reduced and during which thirty (30) day period absolutely no driving privileges of any kind may be granted. After the thirty (30) day period of absolute suspension of driving privileges has passed, the defendant shall have driving privileges suspended by the court for an additional period of at least sixty (60) days, not to exceed one hundred fifty (150) days, during which the defendant may request restricted driving privileges that the court may allow, if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment or for family health needs; and
- (e) Unless an exception is granted pursuant to section 18-8002(12), Idaho Code, shall within ten (10) days following the end of the mandatory suspension period have a state approved ignition interlock system meeting the requirements of section 18-8008, Idaho Code, installed, at his expense, on all motor vehicles operated by him for a period to end one (1) year following the end of the suspension period. A court may determine that an offender is eligible to utilize available funds from

the court interlock device and electronic monitoring device fund, as outlined in section 18-8010, Idaho Code, for the installation and operation of an ignition interlock device, based on evidence of financial hardship.

(2) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1) (b), Idaho Code, for the first time is guilty of a misdemeanor and subject to:

(a) The provisions of subsection 18-8005(1) (a), (b) and, (c), Idaho Code and (e) of this section; and

(b) The provisions of section 49-335, Idaho Code.

(3) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1) (c), Idaho Code, for the first time is guilty of a misdemeanor and is subject to:

(a) The provisions of subsection 18-8005(1) (a), (b) and, (c), Idaho Code and (e) of this section; and

(b) The provisions of section 49-335, Idaho Code.

(4) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1) (a), (b) or (c), Idaho Code, who previously has been found guilty of or has pled guilty to a violation of the provisions of section 18-8004(1) (a), (b) or (c), Idaho Code, or any substantially conforming foreign criminal violation within ten (10) years, notwithstanding the form of the judgment(s) or withheld judgment(s), and except as provided in section 18-8004C, Idaho Code, is guilty of a misdemeanor; and, except as provided in section 18-8004C, Idaho Code:

(a) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and five (5) days of which must be served in jail, as required by 23 U.S.C. section 164, and may be sentenced to not more than one (1) year, provided however, that in the discretion of the sentencing judge, the judge may authorize the defendant to be assigned to a work detail program within the custody of the county sheriff during the period of incarceration;

(b) May be fined an amount not to exceed two thousand dollars (\$2,000);

(c) Shall be advised by the court in writing at the time of sentencing of the penalties that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney;

(d) Shall surrender his driver's license or permit to the court;

(e) Shall have his driving privileges suspended by the court for an additional mandatory minimum period of one (1) year after release from confinement, during which one (1) year period absolutely no driving privileges of any kind may be granted; and

(f) Shall, while operating a motor vehicle, be required to drive only a motor vehicle equipped with a functioning ignition interlock system, as provided in section 18-8008, Idaho Code, following the one (1) year mandatory license suspension period.

(5) If the person has pled guilty or was found guilty for the second time within ten (10) years of a violation of the provisions of section 18-8004(1) (b) or (c), Idaho Code, then the provisions of section 49-335, Idaho Code, shall apply.

(6) Except as provided in section 18-8004C, Idaho Code, any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1) (a), (b) or (c), Idaho Code, who previously has been found guilty of or has pled guilty to two (2) or more violations of the provisions of section 18-8004(1) (a), (b) or (c), Idaho Code, or any substantially conforming foreign criminal violation, or any combination thereof, within ten (10) years, notwithstanding the form of the judgment(s) or withheld judgment(s), shall be guilty of a felony and:

(a) Shall be sentenced to the custody of the state board of correction for not to exceed ten (10) years; provided that notwithstanding the provisions of section 19-2601, Idaho Code, should the court impose any sentence other than incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum period of not less than thirty (30) days, the first forty-eight (48) hours of which must be consecutive, and ten (10) days of which must be served in jail, as required by 23 U.S.C. section 164; and further provided that notwithstanding the provisions of section 18-111, Idaho Code, a conviction under this section shall be deemed a felony;

(b) May be fined an amount not to exceed five thousand dollars (\$5,000);

(c) Shall surrender his driver's license or permit to the court;

(d) Shall have his driving privileges suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, during which time he shall have absolutely no driving privileges of any kind, and may have his driving privileges suspended by the court for an additional period not to exceed four (4) years, during which the defendant may request restricted driving privileges that the court may allow if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment or for family health needs; and

(e) Shall, while operating a motor vehicle, be required to drive only a motor vehicle equipped with a functioning ignition interlock system, as provided in section 18-8008, Idaho Code, following the mandatory one (1) year license suspension period.

(7) Notwithstanding the provisions of subsections (4) (e) and (6) (d) of this section, any person who is enrolled in and is a participant in good standing in a drug court or mental health court approved by the supreme court drug court and mental health court coordinating committee under the provisions of chapter 56, title 19, Idaho Code, or other similar problem solving court utilizing community-based sentencing alternatives, shall be eligible for restricted noncommercial driving privileges for the purpose of getting to and from work, school or an alcohol treatment program, which may be granted by the presiding judge of the drug court or mental health court or other similar problem solving court, provided that the offender has served a period of absolute suspension of driving privileges of at least forty-five (45) days, that a state approved ignition interlock system is installed, and ~~for repeat offenders it shall be maintained for not less than one (1) year at his expense, on each of the any motor vehicles owned or operated, or both,~~ by the offender for a period to end one (1) year following the end of the suspension period and that the offender has shown proof of financial responsibility as defined and in the amounts specified in section 49-117, Idaho Code, provided that the restricted noncommercial driving privileges may be continued if the offender successfully completes the drug court, mental health court or other similar problem solving court, and that the court may revoke such privileges for failure to comply with the terms of probation or with the terms and conditions of the drug court, mental health court or other similar problem solving court program.

(8) For the purpose of computation of the enhancement period in subsections (4), (6) and (9) of this section, the time that elapses between the date of commission of the offense and the date the defendant pleads guilty or is found guilty for the pending offense shall be excluded. If the determination of guilt against the defendant is reversed upon appeal, the time that elapsed between the date of the commission of the offense and the date the defendant pleads guilty or is found guilty following the appeal shall also be excluded.

(9) Notwithstanding the provisions of subsections (4) and (6) of this section, any person who has pled guilty to or has been found guilty of a felony violation of the provisions of section 18-8004, Idaho Code, a felony violation of the provisions of section 18-8004C, Idaho Code, a violation of

the provisions of section 18-8006, Idaho Code, a violation of the provisions of section 18-4006 3.(b), Idaho Code, notwithstanding the form of the judgment(s) or withheld judgment(s) or any substantially conforming foreign criminal felony violation, notwithstanding the form of the judgment(s) or withheld judgment(s), and within fifteen (15) years pleads guilty to or is found guilty of a further violation of the provisions of section 18-8004, Idaho Code, shall be guilty of a felony and shall be sentenced pursuant to subsection (6) of this section.

(10) For the purpose of subsections (4), (6) and (9) of this section and the provisions of section 18-8004C, Idaho Code, a substantially conforming foreign criminal violation exists when a person has pled guilty to or has been found guilty of a violation of any federal law or law of another state, or any valid county, city, or town ordinance of another state substantially conforming to the provisions of section 18-8004, Idaho Code. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.

(11) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, shall undergo, at his own expense, (or at county expense through the procedures set forth in chapters 34 and 35, title 31, Idaho Code) and prior to the sentencing date, an alcohol evaluation by an alcohol evaluation facility approved by the Idaho department of health and welfare; provided however, if the defendant has no prior or pending charges with respect to the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, and the court has the records and information required under subsection (12) (a), (b) and (c) of this section or possesses information from other reliable sources relating to the defendant's use or nonuse of alcohol or drugs which does not give the court any reason to believe that the defendant regularly abuses alcohol or drugs and is in need of treatment, the court may, in its discretion, waive the evaluation with respect to sentencing for a violation of section 18-8004 or 18-8004C(1), Idaho Code, and proceed to sentence the defendant. The court may also, in its discretion, waive the requirement of an alcohol evaluation with respect to a defendant's first violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, and proceed to sentence the defendant if the court has a presentence investigation report, substance abuse assessment, criminogenic risk assessment, or other assessment which evaluates the defendant's degree of alcohol abuse and need for alcohol treatment conducted within twelve (12) months preceding the date of the defendant's sentencing. In the event an alcohol evaluation indicates the need for alcohol treatment, the evaluation shall contain a recommendation by the evaluator as to the most appropriate treatment program, together with the estimated cost thereof, and recommendations for other suitable alternative treatment programs, together with the estimated costs thereof. The person shall request that a copy of the completed evaluation be forwarded to the court. The court shall take the evaluation into consideration in determining an appropriate sentence. If a copy of the completed evaluation has not been provided to the court, the court may proceed to sentence the defendant; however, in such event, it shall be presumed that alcohol treatment is required unless the defendant makes a showing by a preponderance of evidence that treatment is not required. If the defendant has not made a good faith effort to provide the completed copy of the evaluation to the court, the court may consider the failure of the defendant to provide the report as an aggravating circumstance in determining an appropriate sentence. If treatment is ordered, in no event shall the person or facility doing the evaluation be the person or facility that provides the treatment unless this requirement is waived by the sentencing court, with the exception of federally recognized Indian tribes or federal military installations, where diagnosis and treatment are appropriate and available. Nothing herein contained shall preclude the use of funds authorized pursuant to the provisions

of chapter 3, title 39, Idaho Code, for court-ordered alcohol treatment for indigent defendants.

(12) At the time of sentencing, the court shall be provided with the following information:

(a) The results, if administered, of any evidentiary test for alcohol and/or drugs;

(b) A computer or teletype or other acceptable copy of the person's driving record;

(c) Information as to whether the defendant has pled guilty to or been found guilty of a violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, or a similar offense within the past five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s); and

(d) The alcohol evaluation required in subsection (11) of this section, if any.

(13) A minor may be prosecuted for a violation of the provisions of section 18-8004 or 18-8004C, Idaho Code, under chapter 5, title 20, Idaho Code. In addition to any other penalty, if a minor pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), (b) or (c) or 18-8004C, Idaho Code, he shall have his driving privileges suspended or denied for an additional one (1) year following the end of any period of suspension or revocation existing at the time of the violation, or until he reaches the age of twenty-one (21) years, whichever period is greater. During the period of additional suspension or denial, absolutely no driving privileges shall be allowed.

(14) In the event that the alcohol evaluation required in subsection (11) of this section recommends alcohol treatment, the court shall order the person to complete a treatment program in addition to any other sentence which may be imposed, unless the court determines that alcohol treatment would be inappropriate or undesirable, in which event, the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such treatment. In that event, the court may order the defendant to complete a less costly alternative set forth in the evaluation, or a comparable program. Such treatment shall, to the greatest extent possible, be at the expense of the defendant. In the event that funding is provided for or on behalf of the defendant by an entity of state government, restitution shall be ordered to such governmental entity in accordance with the restitution procedure for crime victims, as specified under chapter 53, title 19, Idaho Code. Nothing contained herein shall be construed as requiring a court to order that a governmental entity shall provide alcohol treatment at government expense unless otherwise required by law.

(15) Any person who is disqualified, or whose driving privileges have been suspended, revoked or canceled under the provisions of this chapter, shall not be granted restricted driving privileges to operate a commercial motor vehicle.

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

SECTION 5. That Section 18-8008, Idaho Code, be, and the same is hereby amended to read as follows:

18-8008. IGNITION INTERLOCKS ~~--- ELECTRONIC MONITORING DEVICES SYSTEMS.~~

(1) (a) If a person is convicted, is found guilty, pleads guilty or receives a withheld judgment for violating any of the provisions of this chapter relating to driving under the influence and has had any or all of

a sentence or fine suspended for the violation, the court, ~~in its discretion, may~~ shall, unless an exception is granted pursuant to section 18-8002(12), Idaho Code, impose any, some, or all of the sanctions provided for in this section in addition to any other penalty or fine imposed pursuant to this chapter.

~~(2) (b) The court shall order the person to have a state approved ignition interlock system installed, at his expense, on each of the all motor vehicles owned or operated, or both, by the offender. The restriction shall be for a period not in excess of the time the person is on probation for the offense but not less than one (1) year for repeat offenders him. A court may determine that an offender is eligible to utilize available funds from the court interlock device and electronic monitoring device fund, as outlined in section 18-8010, Idaho Code, for the installation and operation of an ignition interlock device, based on evidence of financial hardship.~~

(2) The calibration setting at which the ignition interlock system will prevent the motor vehicle from being started shall be .025.

(3) As used in this section chapter, the term "ignition interlock system" means breath alcohol ignition interlock device, certified by the transportation department, designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage.

(4) The transportation department shall by rule provide standards for the certification, installation, repair and removal of the devices.

(5) The court shall notify the transportation department of its order imposing a sanction pursuant to this subsection. The department shall attach or imprint a notation on the driver's license or other document granting the person restricted driving privileges of any person restricted under this subsection that the person may operate only a motor vehicle equipped with an ignition interlock system.

~~(3) The court may order the person to use electronic monitoring devices to record the person's movements if as a condition of probation the person has been given restricted driving privileges between certain times, has been placed under a curfew or has been ordered confined to his residence during times certain. Nothing in this subsection shall restrict the court's usage of electronic monitoring devices to supervise a defendant on probation for other offenses.~~

(46) If When a court orders a defendant person to install and use an ignition interlock system or electronic monitoring device pursuant to this section, and the court, or its probation department, furnishes the defendant with the device, the court may shall order the defendant person to pay a reasonable fee the cost for obtaining, installing, utilizing and maintaining the equipment ignition interlock system. All fees collected pursuant to this section shall be in addition to any other fines or penalty provided by law and shall be deposited in the court interlock device and electronic monitoring device fund created in section 18-8010, Idaho Code.

SECTION 6. That Chapter 80, 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 18-8008A, Idaho Code, and to read as follows:

18-8008A. ELECTRONIC MONITORING DEVICES. (1) If a person is convicted, is found guilty, pleads guilty or receives a withheld judgment for violating any of the provisions of this chapter and has had any or all of a sentence or fine suspended for the violation, the court, in its discretion, may impose the sanction provided for in this section in addition to any other penalty or fine imposed pursuant to this chapter.

(2) The court may order the person to use electronic monitoring devices to record the person's movements if, as a condition of probation, the person has been given restricted driving privileges between certain times, has been

placed under a curfew or has been ordered confined to his residence during times certain. Nothing in this subsection shall restrict the court's usage of electronic monitoring devices to supervise a defendant on probation for other offenses.

(3) If a court orders a defendant to use an electronic monitoring device pursuant to this section, and the court, or its probation department, furnishes the defendant with the device, the court may order the defendant to pay a reasonable fee for utilizing the equipment. All fees collected pursuant to this section shall be in addition to any other fines or penalty provided by law and shall be deposited in the court interlock device and electronic monitoring device fund created in section 18-8010, Idaho Code.

SECTION 7. That Section 18-8010, Idaho Code, be, and the same is hereby amended to read as follows:

18-8010. SURCHARGE ADDED TO ALL FINES. Every person who is convicted, found guilty, pleads guilty or receives a withheld judgment for violating the provisions of this chapter shall be required to pay an additional fifteen dollars (\$15.00) in addition to any other fine, penalty or costs the court may assess. Moneys received pursuant to this section shall be remitted to the county treasurer in the county where the person was adjudicated for deposit in the "court interlock device and electronic monitoring device fund," which is hereby created in each county. Moneys in this fund may be utilized for the purchase of ignition interlock devices and electronic monitoring devices required pursuant to sections 18-8002, 18-8002A, 18-8005, 18-8008 and 18-8008A, Idaho Code. Additionally, any moneys a court charges a defendant for using an ignition interlock device or electronic monitoring devices shall be placed in this fund. The court may also utilize moneys in this fund to assist an indigent defendant to procure an ignition interlock device or electronic monitoring devices. The court may also utilize moneys in this fund for alcohol or drug abuse-related probation, treatment or prevention programs for adults or juveniles.

SECTION 8. That Section 18-101A, Idaho Code, be, and the same is hereby amended to read as follows:

18-101A. DEFINITIONS. As used in titles 18, 19 and 20, Idaho Code, and elsewhere in the Idaho Code, unless otherwise specifically provided or unless the context clearly indicates or requires otherwise, the following terms shall be defined as follows:

(1) "Correctional facility" means a facility for the confinement of prisoners or juvenile offenders. The term shall be construed to include references to terms including, but not limited to, "prison," "state prison," "state penitentiary," "governmental detention facility," "penal institution (facility)," "correctional institution," "juvenile correctional center," "Idaho security medical program," "detention institution (facility)," "juvenile detention center (facility)," "county jail," "jail," "private prison (facility)," "private correctional facility," or those facilities that detain juvenile offenders pursuant to a contract with the Idaho department of juvenile corrections.

(2) "In-state prisoner" means any person who has been charged with or convicted of a crime in the state of Idaho or who is being detained pursuant to a court order, and:

(a) Who is being housed in any state, local or private correctional facility; or

(b) Who is being transported in any manner within or through the state of Idaho.

(3) "Local correctional facility" means a facility for the confinement of prisoners operated by or under the control of a county or city. The term

shall include references to "county jail," or "jail." The term shall also include a private correctional facility housing prisoners under the custody of the state board of correction, the county sheriff or other local law enforcement agency.

(4) "Out-of-state prisoner" or "out-of-state inmate" means any person who is convicted of and sentenced for a crime in a state other than the state of Idaho, or under the laws of the United States or other foreign jurisdiction, and:

(a) Who is being housed in any state, local or private correctional facility in the state of Idaho; or

(b) Who is being transported in any manner within or through the state of Idaho.

(5) "Parolee" means a person who has been convicted of a felony and who has been placed on parole by the Idaho commission for pardons and parole or similar body of another state, the United States, or a foreign jurisdiction, and who is not incarcerated in any state, local or private correctional facility, and who is being supervised by employees of the Idaho department of correction.

(6) "Prisoner" means a person who has been convicted of a crime in the state of Idaho or who is being detained pursuant to a court order, or who is convicted of and sentenced for a crime in a state other than the state of Idaho, or under the laws of the United States or other foreign jurisdiction, and:

(a) Who is being housed in any state, local or private correctional facility; or

(b) Who is being transported in any manner within or through the state of Idaho.

The term shall be construed to include references to terms including, but not limited to, "inmate," "convict," "detainee," and other similar terms, and shall include "out-of-state prisoner" and "out-of-state inmate."

(7) "Private correctional facility" or "private prison (facility)" means a correctional facility constructed or operated in the state of Idaho by a private prison contractor.

(8) "Private prison contractor" means any person, organization, partnership, joint venture, corporation or other business entity engaged in the site selection, design, design/building, acquisition, construction, construction/management, financing, maintenance, leasing, leasing/purchasing, management or operation of private correctional facilities or any combination of these services.

(9) "Probationer" means a person who has been placed on felony probation by an Idaho court, or a court of another state, the United States, or a foreign jurisdiction, and who is not incarcerated in any state, local or private correctional facility, and who is being supervised by employees of the Idaho department of correction.

(10) "Repeat offender" means, for the purposes of sections 18-8002, 18-8002A, 18-8004C, and 18-8005 and ~~18-8008~~, Idaho Code, a person who has been convicted of driving while intoxicated or driving under the influence of alcohol and/or drugs more than once in any five (5) year period for the purposes of sections 18-8002A and 18-8004C, Idaho Code, or any ten (10) year period for the purposes of sections 18-8002 and 18-8005, Idaho Code.

(11) "State correctional facility" means a facility for the confinement of prisoners, owned or operated by or under the control of the state of Idaho. The term shall include references to "state prison," "state penitentiary" or "state penal institution (facility)." The term shall also include a private correctional facility housing prisoners under the custody of the board of correction.

(12) "Supervising officer" means an employee of the Idaho department of correction who is charged with or whose duties include supervision of felony parolees or felony probationers.

(13) "Juvenile offender" means a person younger than eighteen (18) years of age or who was younger than eighteen (18) years of age at the time of any act, omission, or status for which the person is being detained in a correctional facility pursuant to court order.

SECTION 9. This act shall be in full force and effect on and after January 1, 2019.

Approved March 26, 2018

CHAPTER 255
(H.B. No. 582)

AN ACT

RELATING TO JUDGES; AMENDING SECTION 59-502, IDAHO CODE, TO REVISE THE SALARIES OF JUSTICES AND JUDGES.

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

SECTION 1. That Section 59-502, Idaho Code, be, and the same is hereby amended to read as follows:

59-502. SALARIES OF JUDGES. (1) Commencing on July 1, 2017~~8~~, the salary of the justices of the supreme court shall be one hundred ~~forty-six~~ fifty-one thousand ~~seven~~ four hundred dollars (~~\$146,700~~151,400) per annum.

(2) Commencing on July 1, 2017~~8~~, judges of the court of appeals shall receive an annual salary in an amount of ~~nine~~ ten thousand dollars (~~\$910,000~~) less than the annual salary of a supreme court justice.

(3) Commencing on July 1, 2017, district judges shall receive an annual salary in an amount of six thousand dollars (\$6,000) less than the annual salary of a judge of the court of appeals.

(4) Commencing on July 1, 2017, magistrate judges shall receive an annual salary in an amount of twelve thousand dollars (\$12,000) less than the annual salary of a district judge.

(5) Salaries shall be paid on regular pay periods not less frequently than monthly as determined by order of the supreme court as due out of the state treasury, but no justice of the supreme court or judge of the district court or magistrate shall be paid his salary, or any part thereof, unless he shall first take and subscribe an oath that there is not in his hands any matter in controversy not decided by him, which has been finally submitted for his consideration and determination thirty (30) days prior to his taking and subscribing said oath.

Approved March 26, 2018

CHAPTER 256
(H.B. No. 584)

AN ACT

RELATING TO SEX CRIMES; AMENDING SECTION 18-6609, IDAHO CODE, TO REVISE A DEFINITION, TO DEFINE A TERM, TO REVISE PROVISIONS REGARDING WHEN A PERSON IS GUILTY OF VIDEO VOYEURISM, TO PROVIDE EXCEPTIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 18-6609, Idaho Code, be, and the same is hereby amended to read as follows:

18-6609. 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 ~~buttocks, nude genitals or genital areas of males or females, and the breast area of females,~~ 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:

~~(a) W, 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; or~~

~~(b) He either intentionally or with reckless disregard disseminates, publishes or sells or conspires to disseminate, publish or sell any image or images of the intimate areas of another person or persons without the consent of such other person or persons and he knows or reasonably should have known that one (1) or both parties agreed or understood that the images should remain private.~~

(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.

(45) This section does not apply to:

(a) aAn interactive computer service, as defined in 47 U.S.C. section 230(f)(2), an information service, as defined in 47 U.S.C. section 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.

Approved March 26, 2018

CHAPTER 257
(H.B. No. 586)

AN ACT

RELATING TO JUROR COMPENSATION; AMENDING SECTION 2-215, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN JUROR COMPENSATION FOR A TRIAL EXCEEDING FIVE DAYS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 2-220, IDAHO CODE, TO AUTHORIZE RULEMAKING FOR THE ADMINISTRATION OF LENGTHY TRIAL JUROR COMPENSATION AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 2, TITLE 2, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 2-222, IDAHO CODE, TO PROVIDE FOR REIMBURSEMENT OF CERTAIN COUNTY JUROR EXPENSES UPON APPLICATION BY A COUNTY, TO PROVIDE FOR THE CALCULATION OF REIMBURSEMENT BASED UPON AVAILABLE FUNDS AND TOTALITY OF APPLICATIONS AND TO AUTHORIZE RULEMAKING.

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

SECTION 1. That Section 2-215, Idaho Code, be, and the same is hereby amended to read as follows:

2-215. MILEAGE AND PER DIEM OF JURORS. A juror shall be paid mileage for his travel expenses from his residence to the place of holding court and return at the same rate per mile as established by resolution of the county commissioners for county employees in the county where the juror resides, and shall be compensated at the following rate, to be paid from the county treasury:

(1) Five dollars (\$5.00), or a rate of more than five dollars (\$5.00) up to twenty-five dollars (\$25.00) as determined by the county commissioners of the county where the juror resides, for each one-half (1/2) day, or portion thereof, unless the juror travels more than thirty (30) miles from his residence, in which event he shall receive ten dollars (\$10.00), or a rate of more than ten dollars (\$10.00) up to fifty dollars (\$50.00) as determined by the county commissioners of the county where the juror resides, for each one-half (1/2) day or portion thereof;

(2) Ten dollars (\$10.00), or a rate of more than ten dollars (\$10.00) up to fifty dollars (\$50.00) as determined by the county commissioners in the county where the juror resides, for each day's required attendance at court of more than one-half (1/2) day;

(3) Fifty dollars (\$50.00) for each day's required attendance at court that exceeds five (5) days for one (1) trial.

SECTION 2. That Section 2-220, Idaho Code, be, and the same is hereby amended to read as follows:

2-220. POWER OF SUPREME COURT TO MAKE RULES CONCERNING JURIES. The Ssupreme Ccourt may make and amend rules, not inconsistent with this act, regulating the selection and service of jurors and for the administration and payment of reimbursement to the counties of forty dollars (\$40.00) per day for lengthy jury trials as provided in section 2-222, Idaho Code.

SECTION 3. That Chapter 2, Title 2, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 2-222, Idaho Code, and to read as follows:

2-222. LENGTHY TRIAL JUROR COMPENSATION. (1) The supreme court shall reimburse the counties for moneys the county paid during the previous fiscal year for lengthy trial juror compensation under section 2-215(3), Idaho Code, from and to the extent that moneys are appropriated for this purpose

by the legislature. On and after September 30, 2018, and each county fiscal year thereafter, any board of county commissioners may file an annual application with the administrative director of the courts requesting reimbursement of lengthy jury trial juror compensation in the amount set forth in subsection (2) of this section. The supreme court shall prescribe by rule the time within which an application must be filed, the form for the application and the information that must accompany each application.

(2) Each county whose application is approved by the administrative director of the courts shall receive moneys for the reimbursement of lengthy trial juror compensation paid by the county during the previous fiscal year. The amount of the reimbursement shall be forty dollars (\$40.00) per juror and alternate juror for each day of jury service beyond the fifth day of required attendance at court relating to a trial, if there are sufficient moneys to fully reimburse every county whose application is approved. If there are insufficient moneys to fully reimburse every county whose application is approved, then each county shall receive only a percentage of its reimbursement request. The percentage shall be established by dividing the total amount of available moneys by the sum of all reimbursements requested by all counties.

Approved March 26, 2018

CHAPTER 258
(H.B. No. 607)

AN ACT

RELATING TO INFORMATION TECHNOLOGY SERVICES; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-827, IDAHO CODE, TO PROVIDE FOR THE OFFICE OF INFORMATION TECHNOLOGY SERVICES IN THE OFFICE OF THE GOVERNOR; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-827A, IDAHO CODE, TO PROVIDE POWERS AND DUTIES; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-828, IDAHO CODE, TO PROVIDE FOR THE RECEIPT OF PAYMENT FOR SERVICES TO UNITS OF STATE GOVERNMENT; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-829, IDAHO CODE, TO PROVIDE FOR ADVANCE PAYMENTS AND INTERACCOUNT TRANSACTIONS; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-830, IDAHO CODE, TO PROVIDE A DECLARATION OF PURPOSE; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-831, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-832, IDAHO CODE, TO PROVIDE FOR THE IDAHO TECHNOLOGY AUTHORITY; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-833, IDAHO CODE, TO PROVIDE FOR THE GENERAL POWERS AND DUTIES OF THE AUTHORITY; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-834, IDAHO CODE, TO DEFINE TERMS USED IN SPECIFIED PROVISIONS OF LAW; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-835, IDAHO CODE, TO PROVIDE FOR THE TRANSFER OF RESPONSIBILITY FOR THE INTEGRATED PROPERTY RECORDS SYSTEM; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-836, IDAHO CODE, TO PROVIDE THAT AGENCIES SHALL UPDATE SPECIFIED RECORDS AND PROVIDE NEW RECORDS AND DATA TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-837, IDAHO CODE, TO PROVIDE THAT THE OBLIGATION FOR QUALITY REMAINS WITH THE ORIGINATING AGENCY OR ENTITY PROVIDING RECORDS TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES; REPEALING SECTION 67-5745, IDAHO CODE, RELATING TO DECLARATION OF PURPOSE; REPEALING SECTION 67-5745A, IDAHO CODE,

RELATING TO THE DEFINITION OF TERMS; REPEALING SECTION 67-5745B, IDAHO CODE, RELATING TO THE IDAHO TECHNOLOGY AUTHORITY; REPEALING SECTION 67-5745C, IDAHO CODE, RELATING TO THE GENERAL POWERS AND DUTIES OF THE AUTHORITY; REPEALING SECTION 67-5747, IDAHO CODE, RELATING TO POWERS AND DUTIES; REPEALING SECTION 67-5779, IDAHO CODE, RELATING TO THE DEFINITION OF TERMS USED IN SPECIFIED LAW; REPEALING SECTION 67-5780, IDAHO CODE, RELATING TO THE INTEGRATED PROPERTY RECORD SYSTEM AND THE TRANSFER OF RESPONSIBILITY; REPEALING SECTION 67-5781, IDAHO CODE, RELATING TO AGENCIES' PROVISION OF RECORDS AND DATA; AND REPEALING SECTION 67-5782, IDAHO CODE, RELATING TO RESPONSIBILITY FOR QUALITY.

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

SECTION 1. That Chapter 8, 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 67-827, Idaho Code, and to read as follows:

67-827. COORDINATION OF POLICY AND PROGRAMS -- INFORMATION TECHNOLOGY SERVICES AND CYBERSECURITY. (1) There is hereby established in the office of the governor the "Office of Information Technology Services."

(2) The administrator of the office of information technology services shall be the official in the state designated to oversee and execute the coordination and implementation of all information technology services and cybersecurity policies within the state of Idaho. The administrator shall be appointed by and shall serve at the pleasure of the governor and shall be subject to confirmation by the senate.

SECTION 2. That Chapter 8, 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 67-827A, Idaho Code, and 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.

(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 3. That Chapter 8, 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 67-828, Idaho Code, and to read as follows:

67-828. OFFICE OF INFORMATION TECHNOLOGY SERVICES MAY CHARGE AND RECEIVE PAYMENT FOR CERTAIN SERVICES TO UNITS OF STATE GOVERNMENT -- APPROPRIATION. The office of information technology services 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 section. Any money received for services provided under the provisions of this section is hereby continually appropriated to the unit providing the services as compensation for such actual and necessary expenses.

SECTION 4. That Chapter 8, 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 67-829, Idaho Code, and to read as follows:

67-829. ADVANCE PAYMENTS AND INTERACCOUNT TRANSACTIONS. Any unit of the office of information technology services providing services to departments of state government as authorized in this chapter may charge and receive payment in advance of performance thereof for a period of time not to exceed the current appropriation of the department requesting such services. Such payments may be used for personnel costs and operating expenditures of the unit providing the services.

SECTION 5. That Chapter 8, 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 67-830, Idaho Code, and to read as follows:

67-830. **DECLARATION OF PURPOSE.** The legislature finds that advances in information technology and telecommunications present significant opportunities for the state of Idaho to improve the efficiency and productivity of state government, to encourage public access to government information and to enhance lifelong educational and training opportunities. The implications of these information technology and telecommunications advances require a centralized and coordinated strategic planning process involving the expertise and participation of experienced persons from both state government and the private sector. The establishment of the Idaho technology authority will facilitate a centralized approach to the acquisition and evaluation of necessary technical information and the informed development of a statewide strategic plan to ensure a coordinated approach to the design, procurement and implementation of information technology and telecommunications systems for both state government and the public.

SECTION 6. That Chapter 8, 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 67-831, Idaho Code, and to read as follows:

67-831. **DEFINITIONS.** As used in this chapter:

(1) "Information technology" means all present and future forms of computer hardware, computer software and services used or required for automated data processing, computer-related office automation or telecommunications.

(2) "State agencies" means all state agencies or departments, boards, commissions, councils and institutions of higher education but shall not include the elected constitutional officers and their staffs, the legislature and its staffs or the judiciary.

(3) "Telecommunications" means all present and future forms of hardware, software or services used or required for transmitting voice, data, video or images over a distance.

SECTION 7. That Chapter 8, 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 67-832, Idaho Code, and to read as follows:

67-832. **IDAHO TECHNOLOGY AUTHORITY -- COMPOSITION -- APPOINTMENT AND TERM OF OFFICE -- REIMBURSEMENT -- CONTRACTING FOR NECESSARY SERVICES.** (1) An Idaho technology authority is hereby created within the office of information technology services. The authority shall consist of up to eighteen (18) members. The governor shall appoint up to two (2) members of the authority that shall include an information technology executive from private industry and an employee of state government. The remaining membership of the authority shall be comprised of the following: one (1) legislator appointed by the president pro tempore of the senate and one (1) legislator appointed by the speaker of the house of representatives to include one (1) legislator from each of the two (2) largest parties; one (1) person appointed by the chief justice of the supreme court to represent the judicial branch of state government; the state controller; the director of the department of administration; the director of the department of health and welfare; the director of the department of labor; the director of the transportation department; the director of the Idaho state police; the director of the department of correction; the chair of the Idaho geospatial council executive committee; the director of the legislative services office; the administrator of the office of information technology services; the administrator of the division of financial management in the office of the governor; the executive director of the state board of education; and the adjutant general of the military division in the office of the governor. The governor shall designate a member of the authority to act as chair and all appointed mem-

bers of the authority shall serve at the pleasure of the appointing authority. An agency director may delegate responsibility to serve as a member of the authority to another senior management executive within the agency with authority for general agency operations whose responsibilities may include, but not be limited to, information technology operations.

(2) The authority shall hold no fewer than two (2) regular meetings annually at such time and place as may be directed by its chair. The authority may meet more frequently at the call of the chair or if requested by a majority of the authority's members. Members of the authority shall serve with no salary or benefits, but are entitled to reimbursement as provided in section 59-509(b), Idaho Code.

(3) The authority may contract for professional services or assistance when necessary or desirable to carry out its powers and duties.

SECTION 8. That Chapter 8, 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 67-833, Idaho Code, and to read as follows:

67-833. GENERAL POWERS AND DUTIES OF THE AUTHORITY. The authority shall:

(1) Review and evaluate the information technology and telecommunications systems presently in use by state agencies;

(2) Prepare statewide short-range and long-range information technology and telecommunications systems plans to meet the needs of state agencies;

(3) Within the context of its strategic plans, establish statewide information technology and telecommunications policies, standards, guidelines, conventions and comprehensive risk assessment criteria that will assure uniformity and compatibility of such systems within state agencies;

(4) Recommend and coordinate the use and application of state agencies' information technology and telecommunications resources;

(5) Review and approve large-scale information technology and telecommunications projects for state agencies including, but not limited to, risk assessment methodologies used by state agencies using authority risk assessment criteria;

(6) Review state agencies' compliance with statewide information technology and telecommunications systems plans;

(7) Recommend cost-efficient procedures for state agencies' acquisition and procurement of information technology and telecommunications systems;

(8) Upon request, provide technical expertise to state government and any other governmental entity;

(9) Maintain a continuous and comprehensive inventory of information technology and telecommunications systems within state agencies;

(10) In accordance with statutes governing the availability or confidentiality of public records and information, establish guidelines for the accessing of public information by the public;

(11) On an annual basis, publish a report of the activities of the authority for the governor and the legislature;

(12) Recommend the enactment or promulgation of any statutes or rules necessary to carry out the statewide information technology and telecommunications systems plans;

(13) Enter into contracts for professional services and assistance not otherwise available in state government;

(14) Encourage and promote cooperative information technology efforts and activities between the state, local government, private enterprise and the public;

(15) Encourage and support education and training opportunities relating to information technology and telecommunications; and

(16) Appoint subcommittees, delegate responsibilities and perform any additional functions consistent with the purpose of this act which are necessary and appropriate for the proper conduct of the authority.

SECTION 9. That Chapter 8, 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 67-834, Idaho Code, and to read as follows:

67-834. DEFINITIONS. As used in sections 67-835, 67-836 and 67-837, Idaho Code:

(1) "Geographic information" means data and datasets containing location information including, but not limited to, remotely sensed imagery, global positioning systems files, geospatially referenced computer-aided design files, digital cartographic products, spatially enabled databases, and geospatial datasets locating and describing features and their attributes on, above or under the earth.

(2) "Geographic information systems" or "GIS" means an information system capable of capturing, integrating, storing, editing, analyzing, managing, sharing, and displaying geographic information. A GIS involves computer hardware, software, networks and applications, as well as the people to operate, develop, administer and use them.

(3) "Metadata" means a description of the quality, currency, attributes, methods and other salient aspects of geographic and tabular information.

(4) "State agency" means all state agencies or departments, boards, commissions, councils and institutions of higher education but shall not include the elected constitutional officers and their staffs, the legislature and its staffs or the judiciary.

SECTION 10. That Chapter 8, 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 67-835, Idaho Code, and to read as follows:

67-835. INTEGRATED PROPERTY RECORDS SYSTEM -- TRANSFER OF RESPONSIBILITY. The office of information technology services shall:

(1) Take possession and control of the state's integrated property records system previously created pursuant to section 58-330, Idaho Code;

(2) Manage the state's integrated property records system;

(3) Lead the establishment of a standard format, workflow and technical procedures to permit updating of the integrated property records system with geographic and other relevant data and information received from state agencies; and

(4) Lead the planning and deployment of multiagency enterprise use of the integrated property records system.

SECTION 11. That Chapter 8, 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 67-836, Idaho Code, and to read as follows:

67-836. AGENCIES TO PROVIDE RECORDS AND DATA. (1) Every state agency shall, no later than January 15, 2009, provide records in an electronic format acceptable to the department of administration of all interests in any real property owned, used or granted by it including, without limitation, records of ownership, leases, encumbrances, easements, rights-of-way leases or any other interest in real property. On and after July 1, 2018, and on a regular and continuous basis thereafter, every state agency shall update such records and provide any new records to the office of information technology services. Metadata will accompany all state agency records.

(2) For the purposes of this section, the Idaho transportation department shall provide highway right-of-way records from January 1, 2002, forward, augmented thereafter each time real property owned by the state of Idaho is affected as part of the Idaho transportation department's regular course of business.

(3) For the purposes of this section, state agencies shall provide only records and geographic information that are subject to disclosure under chapter 1, title 74, Idaho Code, or that the agency has determined to disclose as a public record.

SECTION 12. That Chapter 8, 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 67-837, Idaho Code, and to read as follows:

67-837. RESPONSIBILITY FOR QUALITY. In regard to any obligation on any state agency or other entity to provide records to the office of information technology services pursuant to section 67-835 or 67-836, Idaho Code, the obligation for quality remains with the originator and does not transfer to the office of information technology services by virtue of its receipt or by integration or other use of such records.

SECTION 13. That Section 67-5745, Idaho Code, be, and the same is hereby repealed.

SECTION 14. That Section 67-5745A, Idaho Code, be, and the same is hereby repealed.

SECTION 15. That Section 67-5745B, Idaho Code, be, and the same is hereby repealed.

SECTION 16. That Section 67-5745C, Idaho Code, be, and the same is hereby repealed.

SECTION 17. That Section 67-5747, Idaho Code, be, and the same is hereby repealed.

SECTION 18. That Section 67-5779, Idaho Code, be, and the same is hereby repealed.

SECTION 19. That Section 67-5780, Idaho Code, be, and the same is hereby repealed.

SECTION 20. That Section 67-5781, Idaho Code, be, and the same is hereby repealed.

SECTION 21. That Section 67-5782, Idaho Code, be, and the same is hereby repealed.

Approved March 26, 2018

CHAPTER 259
(H.B. No. 618)

AN ACT

RELATING TO LEGEND DRUGS; REPEALING CHAPTER 32, TITLE 37, IDAHO CODE, RELATING TO CODE IMPRINT OF LEGEND DRUGS.

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

SECTION 1. That Chapter 32, Title 37, Idaho Code, be, and the same is hereby repealed.

Approved March 26, 2018

CHAPTER 260
(H.B. No. 620)

AN ACT

RELATING TO PUBLIC OFFICIALS; AMENDING TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 6, TITLE 74, IDAHO CODE, TO PROVIDE FOR THE PUBLIC INTEGRITY IN ELECTIONS ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE DEFINITIONS, TO PROHIBIT THE EXPENDITURE OF PUBLIC FUNDS, PROPERTY OR RESOURCES TO ADVOCATE FOR OR AGAINST CANDIDATES OR CERTAIN BALLOT MEASURES, TO PROVIDE EXCEPTIONS AND TO PROVIDE FOR REMEDIES FOR VIOLATIONS.

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

SECTION 1. That Title 74, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 6, Title 74, Idaho Code, and to read as follows:

CHAPTER 6
PUBLIC INTEGRITY IN ELECTIONS ACT

74-601. **SHORT TITLE.** This act shall be known and may be cited as the "Public Integrity in Elections Act."

74-602. **LEGISLATIVE INTENT.** The legislature finds that it is against the public policy of the state of Idaho for public funds, resources or property to be used to advocate for or against a candidate or ballot measure.

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, other items of intangible property, or facilities provided to or for the benefit of a candidate, a candidate's personal campaign committee, a political issues committee for political purposes, or advocacy for or against a ballot measure or candidate. Public property or resources that are available to the general public are exempt from this exclusion.

(6) "Public entity" means the state, each state agency, county, municipality, school district 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.

74-604. PUBLIC FUNDS PROHIBITED. (1) Unless specifically required by law, and except as provided in this chapter, neither a public entity nor its employees shall make, nor shall a public official make or authorize, an expenditure from public funds to advocate for or against a candidate or a ballot measure.

(2) Neither a public entity nor any of its employees shall use, nor shall a public official authorize or use, public property or resources to advocate for or against a candidate or a ballot measure.

74-605. EXCLUSIONS. Nothing in this chapter shall prohibit:

(1) A public official or employee from speaking, campaigning, contributing personal money or otherwise exercising the public official's or employee's individual first amendment rights for political purposes, provided no public funds are used for expenditures supporting the public official or employee in such activity;

(2) A public entity, public official or employee from the neutral encouragement of voters to vote;

(3) An elected official or employee from personally campaigning or advocating for or against a ballot measure, provided no public funds, property or resources are used for supporting the elected official or employee in such activity;

(4) A public entity from preparing and distributing to electors an objective statement explaining the purpose and effect of the ballot measure, including in the case of bond or levy elections the cost per taxpayer or taxable value, or similar information based on reasonable estimates prepared in good faith;

(5) The formulation and publication of statements regarding proposed amendments to the state constitution, as authorized by section 67-453, Idaho Code;

(6) The publication of information described in sections 34-439, 34-439A and 34-1406, Idaho Code, as applicable, or other provisions of law requiring notices and disclosures in connection with elections and ballot measures; or

(7) A balanced student classroom discussion or debate of current or pending election issues.

74-606. VIOLATIONS -- REMEDIES. (1) Any public official or employee who conducts or participates in an activity that violates the provisions of this chapter shall be subject to a civil penalty not to exceed two hundred fifty dollars (\$250).

(2) Any public official or employee who knowingly violates the provisions of this chapter shall be subject to a civil penalty not to exceed one thousand five hundred dollars (\$1,500).

(3) Any public official or employee who knowingly violates any provision of this chapter and who has previously admitted to committing or has been previously determined to have committed a violation pursuant to subsection (2) of this section within the twelve (12) months preceding this subsequent violation shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500).

(4) The attorney general shall have the duty to enforce this chapter in relation to public agencies of state government, and the prosecuting attorneys of the various counties shall have the duty to enforce this chapter in relation to local public agencies within their respective jurisdictions. In the event that there is reason to believe that a violation of the provisions of this act has been committed by members of a board of county commissioners or, for any other reason a county prosecuting attorney is deemed disqualified from proceeding to enforce this chapter, the prosecuting attorney or board of county commissioners shall seek to have a special prosecutor appointed for that purpose, as provided in section 31-2603, Idaho Code.

Approved March 26, 2018

CHAPTER 261
(H.B. No. 626)

AN ACT

RELATING TO ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS; AMENDING SECTION 34-439, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR OFFICIAL STATEMENTS IN ELECTIONS AUTHORIZING BONDED INDEBTEDNESS.

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

SECTION 1. That Section 34-439, Idaho Code, be, and the same is hereby amended to read as follows:

34-439. DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS. (1) Notwithstanding any other provision of law, any taxing district that proposes to submit any question to the electors of the district that would authorize any bonded indebtedness shall provide a brief official statement setting forth in simple, understandable language information on the proposal substantially as follows:

(a) The purpose for which the bonds are to be used including, but not necessarily limited to, a description of the facility and/or project

that will be financed, in whole or in part, by the sale of the bonds; the date of the election; and the principal amount of the bonds to be issued;

(b) The anticipated interest rate on the proposed bonds based upon current market rates and a maximum interest rate if a maximum is specified in the question to be submitted to electors;

(c) The total amount to be repaid over the life of the bonds based on the anticipated interest. Such total shall reflect three (3) components: a total of the principal to be repaid; a total of the interest to be paid; and the sum of both;

(d) The estimated average annual cost to the taxpayer of the proposed bond, in the format of "A tax of \$ per \$100,000 of taxable assessed value, per year, based on current conditions";

(e) The length of time, reflected in months or years, in which the proposed bonds will be paid off or retired; and

(ef) The total, existing indebtedness, including interest accrued, of the taxing district.

(2) (a) The formula for calculating the estimated average annual cost to the taxpayer shall be as follows:

$((\text{Bond Total}/\text{Taxable Value}) \times 100,000)/\text{Duration} = \text{estimated average annual cost to taxpayer};$ and

(b) The elements of which are defined as:

(i) "Bond total" means the total amount to be bonded, from subsection (1) (c) of this section as based on the anticipated interest rate in subsection (1) (b) of this section;

(ii) "Duration" means the time, in years, from subsection (1) (e) of this section; and

(iii) "Taxable value" means the most recent total taxable value for property for the applicable taxing district, which shall be obtained from the applicable county treasurer or assessor's office.

(3) The official statement shall be made a part of the ballot prior to the location on the ballot where a person casts a vote and shall be included in the official notice of the election.

Approved March 26, 2018

CHAPTER 262
(H.B. No. 632)

AN ACT

RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EDUCATIONAL SUPPORT PROGRAM AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-1002, IDAHO CODE, AS AMENDED BY SECTION 3, CHAPTER 270, LAWS OF 2017, TO REVISE PROVISIONS REGARDING THE EDUCATIONAL SUPPORT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to continue to distribute all funds appropriated for college and career advising pursuant to section 33-1212A, Idaho Code.

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 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;

(q) 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 ~~fourteen~~ eighteen thousand dollars (\$148,000), 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 ~~forty~~ eighty dollars (\$1480) per student enrolled in grades 8 through 12 or ~~seven~~ nine thousand dollars (\$79,000), whichever is greater;

(r) An amount specified in the public schools educational support program appropriation bill for literacy intervention pursuant to section 33-1616, Idaho Code, the disbursements made to the school districts and public charter schools in the aggregate shall not exceed the total amount appropriated for this purpose and shall be based on the actual costs of such intervention programs. School districts and public charter schools shall be reimbursed in full or in pro rata based on the average number of students in kindergarten through grade 3 who score basic or below basic on the fall statewide reading assessment in the prior three (3) years;

(s) For mastery-based education as provided for in section 33-1630, Idaho Code;

(t) For pay for success contracting in section 33-125B, Idaho Code; and

(~~v~~u) 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.....	..23...grades 4,5 & 6....	.. 15
	..22...grades 1,2 & 3....1994-95	
	..21...grades 1,2 & 3....1995-96	
	..20...grades 1,2 & 3....1996-97 and each year thereafter.	
160 to 299.99 ADA...	20	8.4
110 to 159.99 ADA...	19	6.8
71.1 to 109.99 ADA...	16	4.7
51.7 to 71.0 ADA...	15	4.0
33.6 to 51.6 ADA...	13	2.8
16.6 to 33.5 ADA...	12	1.4
1.0 to 16.5 ADA...	n/a	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
750 or more....	18.5	47
400 - 749.99 ADA....	16	28
300 - 399.99 ADA....	14.5	22
200 - 299.99 ADA....	13.5	17
100 - 199.99 ADA....	12	9
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
Grades 7- 9	.....	1 per 14 ADA
Grades 7- 8	.....	1 per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
14 or more....	14.5	1 or more as computed
12 - 13.99....	-	1
8 - 11.99....	- .....	.75
4 - 7.99....	- .....	.5
1 - 3.99....	- .....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS
 (Computation of alternative school support units shall include
 grades 6 through 12)

Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
12 or more.....	12	1 or more as computed

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of fewer days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The attendance of students attending an alternative school in a school district reporting fewer than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative table if the student is from a school district reporting fewer than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative school, unless the alternative school in question serves students from multiple districts reporting fewer than one hundred (100) secondary students in average daily attendance. The tables for exceptional education and alternative school support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

(5) State Distribution Factor per Support Unit. Divide educational support program distribution funds, after subtracting the amounts necessary to pay the obligations specified in subsection (2) of this section, by the total state support units to secure the state distribution factor per support unit.

(6) District Support Units. The number of support units for each school district in the state shall be determined as follows:

(a) (i) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school students. Calculations in application of this subsection shall be carried out to the nearest hundredth.

(ii) Divide the combined totals of the average daily attendance of all preschool, kindergarten, elementary, secondary, juvenile detention center students and students with disabilities approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest hundredth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subparagraph (i) of this paragraph, and the support units allowance for

the approved exceptional child program, subparagraph (ii) of this paragraph.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest hundredth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, paragraph (b) of this subsection.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of paragraph (c) of this subsection.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section, a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 3. That Section 33-1002, Idaho Code, as amended by Section 3, Chapter 270, Laws of 2017, 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 ~~fourteen~~ eighteen thousand dollars (\$148,000), 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 ~~forty~~ eighty dollars (\$1480) per student enrolled in grades 8 through 12 or ~~seven~~ nine thousand dollars (\$79,000), whichever is greater;
- (s) An amount specified in the public schools educational support program appropriation bill for literacy intervention pursuant to section 33-1616, Idaho Code, the disbursements made to the school districts and public charter schools in the aggregate shall not exceed the total amount appropriated for this purpose and shall be based on the actual costs of such intervention programs. School districts and public charter schools shall be reimbursed in full or in pro rata based on the average number of students in kindergarten through grade 3 who score basic or below basic on the fall statewide reading assessment in the prior three (3) years;
- (t) For mastery-based education as provided for in section 33-1630, Idaho Code;
- (u) For pay for success contracting as provided in section 33-125B, Idaho Code; and
- (v) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten

support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Units Allowed
41 or more....	40.....	1 or more as computed
31 - 40.99 ADA....	-.....	1
26 - 30.99 ADA....	-.....	.85
21 - 25.99 ADA....	-.....	.75
16 - 20.99 ADA....	-.....	.6
8 - 15.99 ADA....	-.....	.5
1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....	.....	.. 15
	..23...grades 4,5 & 6....	
	..22...grades 1,2 & 3....1994-95	
	..21...grades 1,2 & 3....1995-96	
	..20...grades 1,2 & 3....1996-97 and each year thereafter.	
160 to 299.99 ADA...	20.....	8.4
110 to 159.99 ADA...	19.....	6.8
71.1 to 109.99 ADA...	16.....	4.7
51.7 to 71.0 ADA...	15.....	4.0
33.6 to 51.6 ADA...	13.....	2.8
16.6 to 33.5 ADA...	12.....	1.4
1.0 to 16.5 ADA...	n/a.....	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
750 or more....	18.5.....	47
400 - 749.99 ADA....	16.....	28
300 - 399.99 ADA....	14.5.....	22
200 - 299.99 ADA....	13.5.....	17
100 - 199.99 ADA....	12.....	9
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
Grades 7- 9	.....	1 per 14 ADA
Grades 7- 8	.....	1 per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
14 or more....	14.5	1 or more as computed
12 - 13.99....	-	1
8 - 11.99....	- .....	.75
4 - 7.99....	- .....	.5
1 - 3.99....	- .....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

(Computation of alternative school support units shall include grades 6 through 12)

Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
12 or more.....	12	1 or more as computed

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of fewer days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The attendance of students attending an alternative school in a school district reporting fewer than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative table if the student is from a school district reporting fewer than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative school, unless the alternative school in question serves students from multiple districts reporting fewer than one hundred (100) secondary students in average daily attendance. The tables for exceptional education and alternative school support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

(5) State Distribution Factor per Support Unit. Divide educational support program distribution funds, after subtracting the amounts necessary to pay the obligations specified in subsection (2) of this section, by the total state support units to secure the state distribution factor per support unit.

(6) District Support Units. The number of support units for each school district in the state shall be determined as follows:

- (a) (i) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school students. Calculations in application of this subsection shall be carried out to the nearest hundredth.

(ii) Divide the combined totals of the average daily attendance of all preschool, kindergarten, elementary, secondary, juvenile detention center students and students with disabilities approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest hundredth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subparagraph (i) of this paragraph, and the support units allowance for the approved exceptional child program, subparagraph (ii) of this paragraph.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest hundredth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, paragraph (b) of this subsection.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of paragraph (c) of this subsection.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section, a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 4. Section 3 of this act shall be in full force and effect on and after July 1, 2019.

Approved March 26, 2018

CHAPTER 263
(H.B. No. 634)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-136, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING SUICIDE PREVENTION IN SCHOOLS.

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 33-136, Idaho Code, and to read as follows:

33-136. SUICIDE PREVENTION IN SCHOOLS. (1) The state board of education shall adopt rules supporting suicide awareness and prevention training each year for public school personnel. This training may be provided within the framework of existing in-service training programs offered by the state board of education and the state department of education or as part of professional development activities.

(2) (a) The state board of education and state department of education shall, in consultation with the state department of health and welfare, education and health care stakeholders, and suicide prevention experts, develop a list of approved training materials to fulfill the requirements of this section.

(b) Approved materials shall include training on how to identify appropriate mental health services, both within the school and the larger community, and when and how to refer youth and their families to those services.

(c) Approved materials may include programs that can be completed through self-review of suitable suicide prevention materials.

(3) (a) Each public school district shall adopt a policy on student suicide prevention. Such policy shall, at a minimum, address procedures relating to suicide prevention, intervention and postvention. As used in this paragraph, "postvention" means counseling or other social care given to students after another student's suicide or attempted suicide.

(b) To assist school districts in developing policies for student suicide prevention, the state department of education shall develop and maintain a model policy, or adopt an existing policy as a model policy, to serve as a guide for school districts in accordance with this section.

(4) (a) No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of the provisions of this section or resulting from any training required by this section, or lack thereof.

(b) The training required by the provisions of this section, or lack thereof, shall not be construed to impose any specific duty of care.

(c) Nothing in this subsection shall be construed to conflict with the provisions of section 33-512B, Idaho Code.

Approved March 26, 2018

CHAPTER 264
(H.B. No. 643)

AN ACT

RELATING TO THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT; AMENDING SECTION 1-2218, IDAHO CODE, TO PROVIDE THAT A CERTAIN OBLIGATION OF A CITY SHALL BE REDUCED AND TO PROVIDE THAT CERTAIN ORDERS MAY NOT BE MADE; AMENDING SECTION 23-404, IDAHO CODE, TO PROVIDE FOR THE APPROPRIATION OF CERTAIN MONEYS, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3201A, IDAHO CODE, TO REVISE HOW CERTAIN FEES ARE DISTRIBUTED AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 1-2218, IDAHO CODE, RELATING TO FACILITIES AND EQUIPMENT PROVIDED BY A CITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1-2218, Idaho Code, be, and the same is hereby amended to read as follows:

1-2218. FACILITIES AND EQUIPMENT PROVIDED BY CITY. Any city in the state shall, upon order of a majority of the district judges in the judicial district, provide suitable and adequate quarters for a magistrate's division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies, and other expenses of the magistrate's division. For fiscal year 2019, the obligation of any city providing magistrate court facilities pursuant to the provisions of this section, or pursuant to a city's voluntary agreement with a county, shall be reduced by twenty percent (20%) for each successive year until fiscal year 2023, at which point the city's obligation under this section, or a city's voluntary agreement with a county, is relieved. No new order may be made against a city pursuant to the provisions of this section.

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 ~~(b)~~. Beginning in fiscal year 2010, the percentage transferred pursuant to this paragraph ~~(b)~~ 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 paragraphs (c) (i) and ~~(e)~~(ii) of this subsection;

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

(iii) Six hundred thousand dollars (\$600,000) shall be transferred annually to the state community college account, ~~created in section 33-2139, Idaho Code;~~

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

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

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

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

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

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

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

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

2. Ten percent (10%) of the amount appropriated to the cities shall be distributed to those cities that do not

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

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

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

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's 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;
 - (xiv) Filings of any answer after an initial appearance fee has been paid.

The filing fee shall be distributed as follows: ~~seventeen twenty-three~~ dollars (~~\$1723.00~~) 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 (5) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund; ~~seventeen ten~~ dollars (~~\$170.00~~) 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 (5) 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. ~~If the magistrate court facilities are provided by the county, five~~ Eleven dollars (\$511.00) 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 ~~twelve~~ five dollars and fifty cents (\$125.50) 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. ~~If the magistrate court facilities are provided by a city, five dollars (\$5.00) of such fee shall be paid to the city treasurer for deposit in the city general fund, two dollars and fifty cents (\$2.50) of such fee shall be paid to the city treasurer for deposit in the city capital facilities fund for the construction, remodeling and support of magistrate court facilities, and 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.~~

(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 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. ~~If the magistrate court facilities are provided by the county, five~~ Eleven dollars (\$~~5~~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 ~~eleven~~ four dollars and fifty cents (\$~~11~~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. ~~If the magistrate court facilities are provided by a city, five dollars (\$5.00) of such fee shall be paid to the city treasurer for deposit in the city general fund, two dollars and fifty cents (\$2.50) of such fee shall be paid to the city treasurer for deposit in the city capital facilities fund for the construction, remodeling and support of magistrate court facilities, and nine dollars (\$9.00) 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.~~

(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's 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 (5) 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 ac-

cordance 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) 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) 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) 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) 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) 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) 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) 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) 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) 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 (5) 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's 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 (5) 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 (5) 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 (5) 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 (5) 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 (5) 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) 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 aforesaid 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 4. That Section 1-2218, Idaho Code, be, and the same is hereby repealed.

SECTION 5. Section 4 of this act shall be in full force and effect on and after July 1, 2023.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after passage and approval.

Approved March 26, 2018

CHAPTER 265
(H.B. No. 649)

AN ACT

RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING CHAPTER 27, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-2739C, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SEEKING OR NEEDING MEDICAL ASSISTANCE FOR A DRUG-RELATED OVERDOSE SHALL NOT BE CHARGED OR PROSECUTED FOR CERTAIN CRIMES AND TO PROVIDE THAT CERTAIN EVIDENCE SHALL NOT BE SUPPRESSED.

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

SECTION 1. That Chapter 27, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-2739C, Idaho Code, and to read as follows:

37-2739C. MEDICAL ASSISTANCE -- DRUG-RELATED OVERDOSE -- PROSECUTION FOR POSSESSION. (1) A person acting in good faith who seeks medical assistance for any person experiencing a drug-related medical emergency shall not be charged or prosecuted for possession of a controlled substance pursuant to section 37-2732(c) or (e), Idaho Code, for using or being under the influence of a controlled substance pursuant to section 37-2732C(a), Idaho Code, or for using or possessing with intent to use drug paraphernalia pursuant to section 37-2734A(1), Idaho Code, if the evidence for the charge of possession of or using or being under the influence of a controlled substance or using or possessing drug paraphernalia was obtained as a result of the person seeking medical assistance.

(2) A person who experiences a drug-related medical emergency and is in need of medical assistance shall not be charged or prosecuted for possession of a controlled substance pursuant to section 37-2732(c) or (e), Idaho Code, for using or being under the influence of a controlled substance pursuant to section 37-2732C(a), Idaho Code, or for using or possessing with intent to use drug paraphernalia pursuant to section 37-2734A(1), Idaho Code, if the evidence for the charge of possession of or using or being under the influence of a controlled substance or using or possessing drug paraphernalia was obtained as a result of the medical emergency and the need for medical assistance.

(3) The protections in this section from prosecution shall not be grounds for suppression of evidence in other criminal charges.

Approved March 26, 2018

CHAPTER 266
(H.B. No. 667)

AN ACT

RELATING TO THE APPROPRIATION TO THE LEGISLATIVE BRANCH FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE LEGISLATIVE SERVICES OFFICE AND THE OFFICE OF PERFORMANCE EVALUATIONS FOR FISCAL YEAR 2019; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE LEGISLATIVE SERVICES OFFICE; EXEMPTING THE APPROPRIATION FOR THE LEGISLATIVE SERVICES OFFICE FROM OBJECT TRANSFER LIMITATIONS; AND EXEMPTING THE APPROPRIATION FOR THE OFFICE OF PERFORMANCE EVALUATIONS FROM OBJECT TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Legislative Branch the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. LEGISLATIVE SERVICES OFFICE:				
FROM:				
General				
Fund	\$5,084,600	\$228,100		\$5,312,700
Miscellaneous Revenue				
Fund	139,300	524,000		663,300
Legislative Capitol Facilities				
Fund		440,000		440,000
Professional Services				
Fund	<u>1,387,900</u>	<u>107,800</u>		<u>1,495,700</u>
TOTAL	\$6,611,800	\$1,299,900		\$7,911,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
II. OFFICE OF PERFORMANCE EVALUATIONS:				
FROM:				
General				
Fund	\$838,100	\$59,100	\$2,300	\$899,500
GRAND TOTAL	\$7,449,900	\$1,359,000	\$2,300	\$8,811,200

SECTION 2. REAPPROPRIATION AUTHORITY FOR THE PROFESSIONAL SERVICES FUND. There is hereby reappropriated to the Legislative Services Office any unexpended and unencumbered balances of up to \$650,000 of personnel costs in the Professional Services Fund as appropriated or reappropriated for fiscal year 2018 to be used for nonrecurring expenditures for the period July 1, 2018, through June 30, 2019.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS FOR THE LEGISLATIVE SERVICES OFFICE. For fiscal year 2019, the Legislative Services Office is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to it for the period July 1, 2018, through June 30, 2019. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS FOR THE OFFICE OF PERFORMANCE EVALUATIONS. For fiscal year 2019, the Office of Performance Evaluations is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to it for the period July 1, 2018, through June 30, 2019. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 26, 2018

CHAPTER 267
(H.B. No. 668)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2019; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND PROVIDING LEGISLATIVE INTENT REGARDING RETIREMENT CONTRIBUTIONS.

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

SECTION 1. There is hereby appropriated to the Supreme Court the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COURT OPERATIONS:					
A. SUPREME COURT:					
FROM:					
General					
Fund	\$5,889,500	\$1,417,400		\$225,600	\$7,532,500
Miscellaneous Revenue					
Fund		318,500			318,500
Federal Grant					
Fund	<u>345,100</u>	<u>1,432,800</u>		<u>0</u>	<u>1,777,900</u>
TOTAL	\$6,234,600	\$3,168,700		\$225,600	\$9,628,900
B. COURT OF APPEALS:					
FROM:					
General					
Fund	\$2,185,000	\$51,800			\$2,236,800
C. DISTRICT COURTS:					
FROM:					
General					
Fund	\$15,448,900	\$529,000			\$15,977,900
Court Technology					
Fund	5,004,000	2,058,200	\$3,640,000		10,702,200
Drug Court, Mental Health Court and Family Court Services					
Fund	1,098,400	2,567,800			3,666,200
Technology Infrastructure Stabilization					
Fund	<u>0</u>	<u>0</u>	<u>3,358,000</u>		<u>3,358,000</u>
TOTAL	\$21,551,300	\$5,155,000	\$6,998,000		\$33,704,300
D. MAGISTRATE DIVISION:					
FROM:					
General					
Fund	\$14,953,100	\$396,200	\$2,500		\$15,351,800
Drug Court, Mental Health Court and Family Court Services					
Fund	1,009,300	1,146,400			2,155,700
Guardianship Pilot Project					
Fund	292,800	78,300			371,100
Senior Magistrate Judges					
Fund		510,000			510,000
Federal Grant					
Fund	<u>0</u>	<u>110,000</u>	<u>0</u>		<u>110,000</u>
TOTAL	\$16,255,200	\$2,240,900	\$2,500		\$18,498,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
E. WATER ADJUDICATION:					
FROM:					
General					
Fund	\$735,800	\$166,300			\$902,100
F. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:					
FROM:					
General					
Fund				\$1,826,100	\$1,826,100
Substance Abuse Treatment					
Fund	\$210,000	\$291,200		3,215,500	3,716,700
TOTAL	\$210,000	\$291,200		\$5,041,600	\$5,542,800
G. SENIOR JUDGES:					
FROM:					
General					
Fund	\$1,181,900				\$1,181,900
DIVISION TOTAL	\$48,353,800	\$11,073,900	\$7,000,500	\$5,267,200	\$71,695,400
II. GUARDIAN AD LITEM PROGRAM:					
FROM:					
General					
Fund	\$16,700			\$1,092,500	\$1,109,200
III. JUDICIAL COUNCIL:					
FROM:					
General					
Fund	\$1,800	\$129,000			\$130,800
GRAND TOTAL	\$48,372,300	\$11,202,900	\$7,000,500	\$6,359,700	\$72,935,400

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2019, the Supreme Court is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs for all moneys appropriated to it for the period July 1, 2018, through June 30, 2019. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. RETIREMENT CONTRIBUTIONS. It is the intent of the Legislature that, of the amount appropriated in Section 1 of this act from the General Fund for the state's share of retirement contribution remittances to the Judges' Retirement Fund for justices' and judges' retirement benefits pursuant to Section 1-2004(2), Idaho Code, those amounts that are uncommitted shall be transferred monthly into operating expenditures and then paid

by the Supreme Court into the Judges' Retirement Fund. Savings accrue when a position otherwise subject to payroll deductions is filled by a justice or judge who is exempt from employer and employee contributions because of twenty (20) or more years of service.

Approved March 26, 2018

CHAPTER 268
(H.B. No. 669)

AN ACT

RELATING TO THE APPROPRIATION TO THE STEM ACTION CENTER FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE STEM ACTION CENTER FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING FOR AN APPROPRIATION AND TRANSFER OF MONEYS TO THE STEM EDUCATION FUND.

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, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$492,400	\$2,077,300	\$6,200	\$2,575,900
STEM Education				
Fund		2,000,700		2,000,700
Miscellaneous Revenue				
Fund	<u>0</u>	<u>100,000</u>	<u>0</u>	<u>100,000</u>
TOTAL	\$492,400	\$4,178,000	\$6,200	\$4,676,600

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, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby appropriated to the STEM Action Center and the State Controller shall transfer \$2,000,000 from the General Fund to the STEM Education Fund on July 1, 2018, or as soon thereafter as practicable, for the period July 1, 2018, through June 30, 2019.

Approved March 26, 2018

CHAPTER 269
(H.B. No. 670)

AN ACT

RELATING TO SALARIES OF STATE ELECTIVE OFFICERS; AMENDING SECTION 59-501, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SALARIES OF STATE ELECTIVE OFFICERS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 59-501, Idaho Code, be, and the same is hereby amended to read as follows:

59-501. SALARIES OF STATE ELECTIVE OFFICERS -- REGULAR PAYMENT -- TRAVELING EXPENSES -- FEES PROPERTY OF STATE. ~~(1) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general and superintendent of public instruction shall, during their continuance in office, receive for their services compensation as follows:~~

~~Commencing on the first Monday in January 2015, until the first Monday in January 2016:~~

~~Governor, \$120,785 per annum;~~

~~Lieutenant governor, \$42,275 per annum;~~

~~Secretary of state, \$102,667 per annum;~~

~~State controller, \$102,667 per annum; said compensation to be audited by the legislative council;~~

~~State treasurer, \$102,667 per annum; and~~

~~State superintendent of public instruction, \$102,667 per annum.~~

~~(2) The governor, lieutenant governor, secretary of state, state controller, state treasurer and superintendent of public instruction shall, during their continuance in office, receive for their services compensation as follows:~~

~~Commencing on the first Monday in January 2016, until the first Monday in January 2017:~~

~~Governor, \$122,597 per annum;~~

~~Lieutenant governor, \$42,909 per annum;~~

~~Secretary of state, \$104,207 per annum;~~

~~State controller, \$104,207 per annum; said compensation to be audited by the legislative council;~~

~~State treasurer, \$104,207 per annum; and~~

~~State superintendent of public instruction, \$104,207 per annum.~~

~~(3) Commencing on the first Monday in January 2017, until the first Monday in January 2018, the governor shall receive for his services compensation of \$124,436 per annum; and each officer named in subsection (2) of this section, except for the governor and attorney general, shall receive the following compensation for their services:~~

~~Lieutenant governor, thirty-five percent (35%) of the governor's compensation as provided for in this subsection, per annum;~~

~~Secretary of state, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum;~~

~~State controller, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum; said compensation to be audited by the legislative council;~~

~~State treasurer, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum; and~~

~~State superintendent of public instruction, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum.~~

(41) Commencing on the first Monday in January 2018, until the first Monday in January 2019, the governor shall receive for his services compensation of \$126,302 per annum; and each officer named in this subsection ~~(3) of this section, except for the governor and attorney general,~~ shall receive the following compensation for their services:

Lieutenant governor, thirty-five percent (35%) of the governor's compensation as provided for in this subsection, per annum;

Secretary of state, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum;

State controller, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum; said compensation to be audited by the legislative council;

State treasurer, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum; and

State superintendent of public instruction, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum.

~~(52) Prior to the start of the next term of office for the attorney general. Until the first Monday of January 2019, the attorney general's salary shall be increased to match that of a district judge as provided in section 59-502, Idaho Code, on December 31 of the last year of the attorney general's term of office. Such increase shall take effect on the first Monday in January of the attorney general's term of office.~~

(3) The elected officers named in this subsection shall receive the following compensation for their services:

(a) Commencing on the first Monday in January 2019 until the first Monday in January 2023, the governor shall receive compensation of \$138,302 per annum;

(b) The lieutenant governor shall receive thirty-five percent (35%) of the governor's compensation per annum, as provided in this subsection;

(c) The secretary of state, state treasurer and state superintendent of public instruction shall each receive eighty-five percent (85%) of the governor's compensation per annum, as provided in this subsection;

(d) Commencing on the first Monday in January 2019 until the first Monday in January 2023, the attorney general shall receive compensation of \$134,000 per annum. Thereafter, the attorney general shall receive ninety percent (90%) of the governor's compensation per annum; and

(e) The state controller shall receive eighty-five percent (85%) of the governor's compensation per annum, as provided in this subsection; said compensation to be audited by the legislative council.

(64) Such compensation shall be paid on regular pay periods as due out of the state treasury, and shall be in full for all services by said officers respectively rendered in any official capacity or employment whatever during their respective terms of office; but no increase in the rate of compensation shall be made during the terms of such officers; provided however, that the actual and necessary expenses of the governor, lieutenant governor, secretary of state, attorney general, state controller, state treasurer, and superintendent of public instruction, while traveling within the state, or between points within the state, in the performance of official duties, shall be allowed and paid by the state; not, however, exceeding such sum as shall be appropriated for such purpose.

(75) Actual and necessary subsistence expenses of the governor while traveling in connection with the performance of official duties are hereby expressly exempted from the provisions of sections 67-2007 and 67-2008, Idaho Code. (Standard Travel Pay and Allowance Act of 1949) .

(86) No officer named in this section shall receive, for the performance of any official duty, any fee for his own use, but all fees fixed by law for the performance by either of them, of any official duty, shall be collected in advance and deposited with the state treasurer to the credit of the state.

Approved March 26, 2018

CHAPTER 270
(H.B. No. 672)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING THE UNEXPENDED AND UNENCUMBERED FEDERAL GRANT FUND BALANCE INTO FISCAL YEAR 2019; REAPPROPRIATING THE UNEXPENDED AND UNENCUMBERED BALANCE IN THE PUBLIC CHARTER SCHOOL AUTHORIZERS FUND INTO FISCAL YEAR 2019; PROVIDING LEGISLATIVE INTENT REGARDING DUAL CREDIT STUDENTS; AND PROVIDING LEGISLATIVE INTENT REGARDING REPORTING ANNUAL PAYMENTS TO THE IDAHO STATE BUILDING AUTHORITY.

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

SECTION 1. There is hereby appropriated to the Office of the State Board of Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OSBE ADMINISTRATION:					
FROM:					
General					
Fund	\$2,673,300	\$2,013,000	\$42,900	\$1,475,000	\$6,204,200
Indirect Cost Recovery					
Fund	33,000	83,900			116,900
Miscellaneous Revenue					
Fund	143,300	6,185,000		50,000	6,378,300
Federal Grant					
Fund	<u>155,600</u>	<u>1,446,100</u>	<u>0</u>	<u>1,138,400</u>	<u>2,740,100</u>
TOTAL	\$3,005,200	\$9,728,000	\$42,900	\$2,663,400	\$15,439,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. CHARTER SCHOOL COMMISSION:					
FROM:					
General					
Fund	\$117,900	\$52,800			\$170,700
Public Charter School Authorizers					
Fund	<u>254,800</u>	<u>96,200</u>			<u>351,000</u>
TOTAL	\$372,700	\$149,000			\$521,700
GRAND TOTAL	\$3,377,900	\$9,877,000	\$42,900	\$2,663,400	\$15,961,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Board of Education is authorized no more than thirty-four and twenty-five hundredths (34.25) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY FOR FEDERAL GRANT FUND. There is hereby appropriated to the Office of the State Board of Education any unexpended and unencumbered balance of moneys in the Federal Grant Fund as appropriated or reappropriated for fiscal year 2018, to be used for nonrecurring expenditures for the period July 1, 2018, through June 30, 2019.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE PUBLIC CHARTER SCHOOL AUTHORIZERS FUND. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balance of moneys in the Public Charter School Authorizers Fund as appropriated or reappropriated for fiscal year 2018, to be used for nonrecurring expenditures for the period July 1, 2018, through June 30, 2019.

SECTION 5. DUAL CREDIT STUDENTS. It is the intent of the Legislature that the President of the State Board of Education shall provide a written report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee on the utilization of dual credit by students in Idaho high schools. The board shall provide a history for the state funding for dual credit enrollment, data regarding the short-term achievement of students engaged in dual credit enrollment, and the costs incurred by institutions of higher education providing dual credits with the opportunity for input from said institutions. Reporting to the Legislature should occur no later than February 1, 2019, and shall be formatted in such a manner that allows consistent comparison across all institutions.

SECTION 6. ANNUAL PAYMENTS TO THE IDAHO STATE BUILDING AUTHORITY. The State Board of Education shall provide an annual update to the Joint Finance-Appropriations Committee of all sublease rent payments made and any amount due and outstanding related to Senate Concurrent Resolution No. 105 (2017).

Approved March 26, 2018

CHAPTER 271
(H.B. No. 673)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION; AND PROVIDING GUIDANCE FOR THE IMPLEMENTATION OF EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Division of Human Resources from the Division of Human Resources Fund the following amounts to be expended for the designated expense classes for the period July 1, 2018, through June 30, 2019:

FOR:

Personnel Costs	\$1,497,700
Operating Expenditures	664,300
Capital Outlay	<u>2,000</u>
TOTAL	\$2,164,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Human Resources is authorized no more than sixteen (16.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, 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. It is the intent of the Legislature to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance. In accordance with the direction given by the Legislature, and consistent with the recommendation of the Governor, the Division of Human Resources shall shift the salary structure upwards by three percent (3%) beginning in fiscal year 2019 and shall continue the job classifications that are currently on payline exception to address specific employee recruitment or retention issues. It is also the intent of the Legislature to appropriate an ongoing three percent (3%) increase in funding for state employee merit pay increases.

SECTION 4. IMPLEMENTATION OF THE THREE PERCENT CHANGE IN EMPLOYEE COMPENSATION BY THE DIVISION OF HUMAN RESOURCES. It is the intent of the Legislature that the Division of Human Resources shall develop a merit increase matrix based upon an employee's proximity to the state midpoint market average, and the employee's relative performance, in accordance with Section 67-5309B(4), Idaho Code. Such matrix shall be adapted by each agency head and institution president to meet their specific needs, as approved by the Division of Human Resources, and increases shall be distributed to employees based on merit at the discretion of agency heads and institution presidents, subject to confirmation of sufficient funding pursuant to Section 67-5304, Idaho Code.

Approved March 26, 2018

CHAPTER 272
(H.B. No. 674)

AN ACT

RELATING TO THE APPROPRIATION TO THE REGULATORY BOARDS FOR FISCAL YEAR 2019;
APPROPRIATING MONEYS TO THE REGULATORY BOARDS FOR FISCAL YEAR 2019; AND
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Regulatory Boards the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOARD OF ACCOUNTANCY:					
FROM:					
State Regulatory					
Fund	\$298,700	\$253,800			\$552,500
II. BOARD OF PROF. ENGINEERS & LAND SURVEYORS:					
FROM:					
State Regulatory					
Fund	\$524,700	\$272,500	\$8,100		\$805,300
III. BUREAU OF OCCUPATIONAL LICENSES:					
FROM:					
State Regulatory					
Fund	\$2,697,100	\$2,641,500	\$12,100	\$55,100	\$5,405,800
IV. OUTFITTERS AND GUIDES LICENSING BOARD:					
FROM:					
State Regulatory					
Fund	\$407,500	\$203,400			\$610,900
V. REAL ESTATE COMMISSION:					
FROM:					
State Regulatory					
Fund	\$1,046,000	\$581,400			\$1,627,400
GRAND TOTAL	\$4,974,000	\$3,952,600	\$20,200	\$55,100	\$9,001,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Regulatory Boards is authorized no more than the number of full-time equivalent positions listed below at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Board of Accountancy	4.00
Board of Prof. Engineers & Land Surveyors	5.00
Bureau of Occupational Licenses	40.00
Outfitters and Guides Licensing Board	6.00
Real Estate Commission	15.00

Approved March 26, 2018

CHAPTER 273
(H.B. No. 678)

AN ACT

RELATING TO THE APPROPRIATION TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND AMENDING SECTION 72-503, IDAHO CODE, TO INCREASE THE SALARIES OF THE INDUSTRIAL COMMISSIONERS.

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, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMPENSATION:					
FROM:					
Industrial Administration					
Fund	\$3,716,600	\$1,130,400	\$67,700	\$1,185,100	\$6,099,800
Peace Officer and Detention Officer Temporary Disability					
Fund	8,300	3,800		156,100	168,200
Miscellaneous Revenue					
Fund	<u>0</u>	<u>45,000</u>	<u>0</u>	<u>0</u>	<u>45,000</u>
TOTAL	\$3,724,900	\$1,179,200	\$67,700	\$1,341,200	\$6,313,000
II. REHABILITATION:					
FROM:					
Industrial Administration					
Fund	\$3,475,900	\$631,900	\$37,200		\$4,145,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. CRIME VICTIMS COMPENSATION:					
FROM:					
Crime Victims Compensation					
Fund	\$849,300	\$231,800	\$5,700	\$2,000,000	\$3,086,800
Federal Grant					
Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,200,000</u>	<u>1,200,000</u>
TOTAL	\$849,300	\$231,800	\$5,700	\$3,200,000	\$4,286,800
IV. ADJUDICATION:					
FROM:					
Industrial Administration					
Fund	\$1,872,100	\$551,600	\$12,600		\$2,436,300
GRAND TOTAL	\$9,922,200	\$2,594,500	\$123,200	\$4,541,200	\$17,181,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Industrial Commission is authorized no more than one hundred thirty-eight and twenty-five hundredths (138.25) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. That Section 72-503, Idaho Code, be, and the same is hereby amended to read as follows:

72-503. SALARY. Commencing July 1, 2017~~8~~, the annual salary of each member of the industrial commission shall be one hundred four thousand ~~nine hundred ninety~~ twenty dollars (~~\$100,990~~104,020). Industrial commissioner salaries shall be paid from sources set by the legislature. Each member of the industrial commission shall devote full time to the performance of his duties.

Approved March 26, 2018

CHAPTER 274
(H.B. No. 679)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2019; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Fish and Game the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
Fish and Game (Licenses)					
Fund	\$4,150,800	\$2,579,700	\$3,372,700		\$10,103,200
Fish and Game (Other)					
Fund	643,400	119,300			762,700
Fish and Game Set-Aside (Licenses)					
Fund	200	33,900			34,100
Fish and Game Set-Aside (Other)					
Fund	18,000	21,200			39,200
Expendable Big Game Depredation					
Fund		2,900			2,900
Fish and Game Expendable Trust					
Fund		7,500			7,500
Fish and Game Nonexpendable Trust					
Fund		3,600			3,600
Fish and Game (Federal)					
Fund	<u>4,317,600</u>	<u>3,372,200</u>	<u>74,700</u>		<u>7,764,500</u>
TOTAL	\$9,130,000	\$6,140,300	\$3,447,400		\$18,717,700

II. ENFORCEMENT:

FROM:

Fish and Game (Licenses)

Fund	\$9,528,100	\$2,404,000	\$126,900		\$12,059,000
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Fish and Game (Other)

Fund	188,400	77,000			265,400
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Fish and Game Set-Aside (Other)

Fund		20,600			20,600
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Fish and Game Expendable Trust					
Fund		26,400			26,400
Fish and Game (Federal)					
Fund	<u>32,100</u>	<u>6,700</u>	<u>0</u>		<u>38,800</u>
TOTAL	\$9,748,600	\$2,534,700	\$126,900		\$12,410,200
III. FISHERIES:					
FROM:					
Fish and Game (Licenses)					
Fund	\$3,812,400	\$3,438,900	\$546,000		\$7,797,300
Fish and Game (Other)					
Fund	2,862,300	3,339,200			6,201,500
Fish and Game Set-Aside (Licenses)					
Fund	357,800	415,100			772,900
Fish and Game Set-Aside (Other)					
Fund	37,500	3,500			41,000
Fish and Game Expendable Trust					
Fund	48,000	254,200	800,000		1,102,200
Fish and Game Nonexpendable Trust					
Fund		33,200			33,200
Fish and Game (Federal)					
Fund	<u>12,888,500</u>	<u>12,532,200</u>	<u>895,000</u>		<u>26,315,700</u>
TOTAL	\$20,006,500	\$20,016,300	\$2,241,000		\$42,263,800
IV. WILDLIFE:					
FROM:					
Fish and Game (Licenses)					
Fund	\$4,516,400	\$3,930,600	\$279,000	\$174,800	\$8,900,800
Fish and Game (Other)					
Fund	425,700	431,100			856,800
Fish and Game Set-Aside (Other)					
Fund	924,600	395,200			1,319,800
Fish and Game Expendable Trust					
Fund	339,900	694,200			1,034,100
Fish and Game Nonexpendable Trust					
Fund	11,400	2,300			13,700
Fish and Game (Federal)					
Fund	<u>6,485,100</u>	<u>7,129,400</u>	<u>618,800</u>	<u>0</u>	<u>14,233,300</u>
TOTAL	\$12,703,100	\$12,582,800	\$897,800	\$174,800	\$26,358,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. COMMUNICATIONS:					
FROM:					
Fish and Game (Licenses)					
Fund	\$1,636,000	\$821,900	\$68,500		\$2,526,400
Fish and Game (Other)					
Fund	12,000	128,300			140,300
Fish and Game Set-Aside (Other)					
Fund	76,900	18,100			95,000
Fish and Game Expendable Trust					
Fund	46,100	72,300			118,400
Fish and Game (Federal)					
Fund	<u>1,341,900</u>	<u>896,500</u>	<u>0</u>		<u>2,238,400</u>
TOTAL	\$3,112,900	\$1,937,100	\$68,500		\$5,118,500
VI. ENGINEERING:					
FROM:					
Fish and Game (Licenses)					
Fund	\$978,000	\$73,500	\$4,600		\$1,056,100
VII. WILDLIFE MITIGATION AND HABITAT CONSERVATION:					
FROM:					
Fish and Game (Licenses)					
Fund	\$1,113,900	\$299,700	\$8,900		\$1,422,500
Fish and Game (Other)					
Fund	53,500	7,800			61,300
Fish and Game Set-Aside (Licenses)					
Fund	111,600	3,228,900			3,340,500
Fish and Game Set-Aside (Other)					
Fund	35,000	5,100			40,100
Expendable Big Game Depredation					
Fund				\$1,100,000	1,100,000
Fish and Game (Federal)					
Fund	<u>447,200</u>	<u>367,900</u>	<u>0</u>	<u>0</u>	<u>815,100</u>
TOTAL	\$1,761,200	\$3,909,400	\$8,900	\$1,100,000	\$6,779,500
GRAND TOTAL	\$57,440,300	\$47,194,100	\$6,795,100	\$1,274,800	\$112,704,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Fish and Game is authorized no more than five hundred sixty-nine (569.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 26, 2018

CHAPTER 275
(H.B. No. 680)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT REGARDING A TRANSFER TO THE IDAHO STATE POLICE MISCELLANEOUS REVENUE FUND; AND PROVIDING LEGISLATIVE INTENT REGARDING TRANSFERS TO THE PUBLIC SCHOOL INCOME FUND.

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, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BRAND INSPECTION:					
FROM:					
State Brand Board					
Fund	\$2,560,100	\$395,100	\$168,500		\$3,123,700
II. DIVISION OF IDAHO STATE POLICE:					
A. DIRECTOR'S OFFICE:					
FROM:					
General					
Fund	\$2,068,700	\$187,100	\$762,600		\$3,018,400
Idaho Law Enforcement					
Fund	131,500				131,500
Idaho Law Enforcement (Project Choice)					
Fund	94,300	1,500			95,800
Miscellaneous Revenue					
Fund		56,400			56,400
Federal Grant					
Fund	<u>65,000</u>	<u>18,100</u>	<u>0</u>		<u>83,100</u>
TOTAL	\$2,359,500	\$263,100	\$762,600		\$3,385,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. EXECUTIVE PROTECTION:					
FROM:					
General					
Fund	\$448,200	\$118,600	\$127,300		\$694,100
Idaho Law Enforcement (Project Choice)					
Fund	59,700	700			60,400
Miscellaneous Revenue					
Fund	<u>88,700</u>	<u>6,200</u>	<u>7,100</u>		<u>102,000</u>
TOTAL	\$596,600	\$125,500	\$134,400		\$856,500
C. INVESTIGATIONS:					
FROM:					
General					
Fund	\$6,475,400	\$872,600	\$294,000		\$7,642,000
Idaho Law Enforcement (Project Choice)					
Fund	988,400	9,500			997,900
Drug & DWUI Enforcement Donation					
Fund	208,900	475,900			684,800
Federal Grant					
Fund	<u>159,200</u>	<u>512,300</u>	<u>0</u>	<u>\$110,000</u>	<u>781,500</u>
TOTAL	\$7,831,900	\$1,870,300	\$294,000	\$110,000	\$10,106,200
D. PATROL:					
FROM:					
General					
Fund	\$6,821,000	\$2,773,100	\$1,919,500		\$11,513,600
Idaho Law Enforcement					
Fund	15,844,200	2,460,700	1,146,600		19,451,500
Idaho Law Enforcement (Project Choice)					
Fund	3,063,900	33,600			3,097,500
Hazardous Materials/Waste Enforcement					
Fund	439,000	78,400	59,700	\$67,800	644,900
Miscellaneous Revenue					
Fund	273,400	79,300			352,700
Federal Grant					
Fund	<u>3,203,200</u>	<u>1,087,600</u>	<u>115,100</u>	<u>2,497,600</u>	<u>6,903,500</u>
TOTAL	\$29,644,700	\$6,512,700	\$3,240,900	\$2,565,400	\$41,963,700
E. LAW ENFORCEMENT PROGRAMS:					
FROM:					
General					
Fund	\$331,000	\$261,400			\$592,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Alcohol Beverage Control					
Fund	1,128,700	461,000	\$23,300		1,613,000
Idaho Law Enforcement (Project Choice)					
Fund	189,000	2,000			191,000
Miscellaneous Revenue					
Fund	<u>0</u>	<u>12,600</u>	<u>0</u>		<u>12,600</u>
TOTAL	\$1,648,700	\$737,000	\$23,300		\$2,409,000
F. SUPPORT SERVICES:					
FROM:					
General					
Fund	\$1,871,600	\$1,221,100	\$358,800		\$3,451,500
Idaho Law Enforcement					
Fund	109,900				109,900
Idaho Law Enforcement (Project Choice)					
Fund	71,700	2,200			73,900
Idaho Law Enforcement Telecommunications					
Fund	651,000	804,400			1,455,400
Miscellaneous Revenue					
Fund	1,291,700	1,532,200	1,400,000		4,223,900
Federal Grant					
Fund	<u>0</u>	<u>35,800</u>	<u>0</u>		<u>35,800</u>
TOTAL	\$3,995,900	\$3,595,700	\$1,758,800		\$9,350,400
G. FORENSIC SERVICES:					
FROM:					
General					
Fund	\$4,035,500	\$858,500	\$966,200		\$5,860,200
Idaho Law Enforcement (Project Choice)					
Fund	397,100	8,200			405,300
Drug & DWUI Enforcement Donation					
Fund		418,100			418,100
Miscellaneous Revenue					
Fund	85,100	130,300			215,400
Federal Grant					
Fund	<u>125,100</u>	<u>286,900</u>	<u>0</u>		<u>412,000</u>
TOTAL	\$4,642,800	\$1,702,000	\$966,200		\$7,311,000
DIVISION TOTAL	\$50,720,100	\$14,806,300	\$7,180,200	\$2,675,400	\$75,382,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. POST ACADEMY:					
FROM:					
Idaho Law Enforcement (Project Choice)					
Fund	\$77,400	\$1,700			\$79,100
Peace Officers Training					
Fund	2,274,700	1,983,100	\$85,300	\$105,900	4,449,000
Miscellaneous Revenue					
Fund		29,000			29,000
Federal Grant					
Fund	<u>36,700</u>	<u>221,200</u>	<u>0</u>	<u>0</u>	<u>257,900</u>
TOTAL	\$2,388,800	\$2,235,000	\$85,300	\$105,900	\$4,815,000
IV. RACING COMMISSION:					
FROM:					
Idaho State Racing Commission					
Fund	\$241,900	\$156,000			\$397,900
Pari-mutuel Distribution					
Fund	<u>0</u>	<u>0</u>		<u>\$30,000</u>	<u>30,000</u>
TOTAL	\$241,900	\$156,000		\$30,000	\$427,900
GRAND TOTAL	\$55,910,900	\$17,592,400	\$7,434,000	\$2,811,300	\$83,748,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Police is authorized no more than six hundred and eighty-five hundredths (600.85) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. MISCELLANEOUS REVENUE FUND TRANSFER. There is hereby appropriated and the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2018, or as soon thereafter as practicable, \$200,000 from the Public School Income Fund to the Idaho State Police Miscellaneous Revenue Fund for the purpose of increasing toxicology lab capacity in Forensic Services.

SECTION 4. PUBLIC SCHOOL INCOME FUND TRANSFER. Notwithstanding any other provision of law to the contrary, the State Controller shall transfer to the Public School Income Fund amounts appropriated in Section 1 of this act from the Pari-mutuel Distributions Fund that are associated with balances of the Breed Distribution Account and are otherwise allocated for distribution to the Idaho Thoroughbred Association. On July 1, 2018, or as soon thereafter as practicable, upon notification from the Idaho State Racing Commission that said amounts are available, the State Controller shall transfer up to \$29,300 of the Idaho Thoroughbred Association's allocation to the Public School Income Fund.

CHAPTER 276
(H.B. No. 681)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Office of the Lieutenant Governor from the General Fund the following amounts to be expended for the designated expense classes for the period July 1, 2018, through June 30, 2019:

FOR:

Personnel Costs	\$160,400
Operating Expenditures	14,000
Capital Outlay	<u>700</u>
TOTAL	\$175,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the Lieutenant Governor is authorized no more than three (3.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2019, the Office of the Lieutenant Governor is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to it for the period July 1, 2018, through June 30, 2019. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 26, 2018

CHAPTER 277
(H.B. No. 683)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION ON AGING FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2019; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission on Aging the following amounts to be expended for the designated expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$519,100	\$90,300	\$11,400	\$3,977,100	\$4,597,900
Federal Grant					
Fund	<u>689,900</u>	<u>284,700</u>	<u>0</u>	<u>8,021,900</u>	<u>8,996,500</u>
TOTAL	\$1,209,000	\$375,000	\$11,400	\$11,999,000	\$13,594,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on Aging is authorized no more than thirteen (13.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 26, 2018

CHAPTER 278
(H.B. No. 685)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING CERTAIN APPROPRIATION OBJECT TRANSFER LIMITATIONS; PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE FIRE SUPPRESSION DEFICIENCY FUND; PROVIDING LEGISLATIVE AUTHORIZATION FOR PRIOR PERIOD ADJUSTMENTS; 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 Lands the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SUPPORT SERVICES:					
FROM:					
General					
Fund	\$425,200	\$288,100	\$104,700		\$818,000
Department of Lands					
Fund	696,800	398,000	186,700		1,281,500
Indirect Cost Recovery					
Fund	69,400	128,200			197,600
Endowment Earnings Administrative					
Fund	<u>2,861,300</u>	<u>1,555,700</u>	<u>436,800</u>		<u>4,853,800</u>
TOTAL	\$4,052,700	\$2,370,000	\$728,200		\$7,150,900
II. FOREST RESOURCES MANAGEMENT:					
FROM:					
General					
Fund	\$1,116,400	\$94,100		\$20,000	\$1,230,500
Department of Lands					
Fund	1,578,100	2,249,100	\$218,000	1,500,000	5,545,200
Indirect Cost Recovery					
Fund	113,300	320,000			433,300
Endowment Earnings Administrative					
Fund	10,800,900	7,039,500	390,000		18,230,400
Community Forestry					
Fund		20,000		20,000	40,000
Federal Grant					
Fund	<u>1,143,000</u>	<u>1,334,500</u>	<u>0</u>	<u>3,115,400</u>	<u>5,592,900</u>
TOTAL	\$14,751,700	\$11,057,200	\$608,000	\$4,655,400	\$31,072,300
III. LANDS AND WATERWAYS:					
FROM:					
General					
Fund	\$355,600	\$32,300			\$387,900
Department of Lands					
Fund	440,300	1,495,900	\$4,900		1,941,100
Navigable Waterways					
Fund	623,400	74,500			697,900
Endowment Earnings Administrative					
Fund	<u>2,313,000</u>	<u>4,095,400</u>	<u>49,400</u>		<u>6,457,800</u>
TOTAL	\$3,732,300	\$5,698,100	\$54,300		\$9,484,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. FOREST AND RANGE FIRE PROTECTION:					
FROM:					
General					
Fund	\$1,902,900	\$286,100		\$876,200	\$3,065,200
Department of Lands					
Fund	3,907,400	790,300	\$557,700	873,000	6,128,400
Fire Suppression Deficiency					
Fund	129,500	22,100			151,600
Federal Grant					
Fund	<u>758,100</u>	<u>305,000</u>	<u>0</u>	<u>250,000</u>	<u>1,313,100</u>
TOTAL	\$6,697,900	\$1,403,500	\$557,700	\$1,999,200	\$10,658,300
V. SCALING PRACTICES:					
FROM:					
Department of Lands					
Fund	\$209,800	\$56,700	\$4,500		\$271,000
VI. OIL AND GAS CONSERVATION:					
FROM:					
General					
Fund	\$417,800	\$102,000			\$519,800
Oil and Gas Conservation					
Fund	<u>95,800</u>	<u>110,000</u>			<u>205,800</u>
TOTAL	\$513,600	\$212,000			\$725,600
GRAND TOTAL	\$29,958,000	\$20,797,500	\$1,952,700	\$6,654,600	\$59,362,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Lands is authorized no more than three hundred twenty-one and fifteen hundredths (321.15) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2019, the Department of Lands is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated for the Forest and Range Fire Protection Program for the period July 1, 2018, through June 30, 2019. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. CASH TRANSFER FOR FIRE SUPPRESSION COSTS. There is hereby appropriated to the Department of Lands and the State Controller shall transfer \$20,000,000 from the General Fund to the Fire Suppression Deficiency Fund as soon as practicable for the period July 1, 2017, through June 30, 2018. Such moneys shall be used to reimburse costs incurred by the Range

and Forest Fire Protection Program in the Department of Lands pursuant to Sections 38-131 and 38-131A, Idaho Code.

SECTION 5. LEGISLATIVE AUTHORIZATION FOR PRIOR PERIOD ADJUSTMENTS. Pursuant to Section 67-3604, Idaho Code, the Department of Lands is hereby authorized, and the Office of the State Controller shall make, the necessary prior period adjustments not to exceed \$70,300 from the General Fund for transactions incorrectly recorded in fiscal years 2016 and 2017.

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

Approved March 26, 2018

CHAPTER 279
(H.B. No. 686)

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 2019; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT FOR THE OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT.

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, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. FOREST UTILIZATION RESEARCH:					
FROM:					
General					
Fund	\$1,121,800	\$159,300			\$1,281,100
II. GEOLOGICAL SURVEY:					
FROM:					
General					
Fund	\$1,052,100	\$33,000			\$1,085,100
III. SCHOLARSHIPS AND GRANTS:					
FROM:					
General					
Fund	\$67,000			\$15,163,300	\$15,230,300

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
Miscellaneous Revenue					
Fund				1,000,000	1,000,000
Federal Grant					
Fund	<u>19,000</u>	<u>\$1,000</u>		<u>3,104,600</u>	<u>3,124,600</u>
TOTAL	\$86,000	\$1,000		\$19,267,900	\$19,354,900
IV. MUSEUM OF NATURAL HISTORY:					
FROM:					
General					
Fund	\$599,400	\$16,800			\$616,200
V. SMALL BUSINESS DEVELOPMENT CENTERS:					
FROM:					
General					
Fund	\$661,300	\$8,000	\$3,700		\$673,000
VI. TECHHELP:					
FROM:					
General					
Fund	\$341,700	\$14,800			\$356,500
GRAND TOTAL	\$3,862,300	\$232,900	\$3,700	\$19,267,900	\$23,366,800

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 specified in this section is authorized no more than the number of full-time equivalent positions shown at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Forest Utilization Research	11.68
Geological Survey	12.28
Scholarships and Grants	1.35
Museum of Natural History	8.20
Small Business Development Centers	8.83
TechHelp	3.25

SECTION 3. OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT. Moneys appropriated from the General Fund to the Scholarship and Grants Program for the period July 1, 2017, to June 30, 2018, that are unexpended and unencumbered on June 30, 2018, are hereby appropriated and shall be transferred by the State Controller to the Opportunity Scholarship Program Account created in Section 33-4303, Idaho Code.

Approved March 26, 2018

CHAPTER 280
(H.B. No. 687)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE DEPARTMENT FROM CERTAIN TRANSFER LIMITATIONS; AND PROVIDING REAPPROPRIATION AUTHORITY FOR FISCAL YEAR 2019.

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

SECTION 1. There is hereby appropriated to the Department of Parks and Recreation the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$384,500	\$257,700			\$642,200
Indirect Cost Recovery					
Fund	245,300	197,200	\$65,200		507,700
Parks and Recreation					
Fund	1,484,500	1,026,300	162,100	\$290,000	2,962,900
Recreational Fuels					
Fund	638,900	87,400		2,221,800	2,948,100
Parks and Recreation Registration					
Fund	327,000	145,100		8,250,000	8,722,100
Miscellaneous Revenue					
Fund		15,600			15,600
Federal Grant					
Fund	<u>0</u>	<u>2,600</u>	<u>0</u>	<u>2,600,000</u>	<u>2,602,600</u>
TOTAL	\$3,080,200	\$1,731,900	\$227,300	\$13,361,800	\$18,401,200
II. PARK OPERATIONS:					
FROM:					
General					
Fund	\$2,109,800	\$600,700			\$2,710,500
Indirect Cost Recovery					
Fund		2,400			2,400
Parks and Recreation					
Fund	4,721,300	1,584,800	\$530,300		6,836,400
Recreational Fuels					
Fund	192,600	244,600	813,300		1,250,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Parks and Recreation Registration					
Fund	854,600	801,300		\$200,000	1,855,900
Miscellaneous Revenue					
Fund	49,400	76,500			125,900
Public Recreation Enterprise					
Fund	801,000	1,289,000	36,000		2,126,000
Parks and Recreation Expendable Trust					
Fund	499,100	405,600			904,700
Federal Grant					
Fund	<u>1,043,000</u>	<u>628,600</u>	<u>553,000</u>	<u>1,227,500</u>	<u>3,452,100</u>
TOTAL	\$10,270,800	\$5,633,500	\$1,932,600	\$1,427,500	\$19,264,400
III. CAPITAL DEVELOPMENT:					
FROM:					
General					
Fund			\$865,000		\$865,000
Parks and Recreation					
Fund			190,000		190,000
Recreational Fuels					
Fund			1,632,000		1,632,000
Parks and Recreation Registration					
Fund			1,100,000		1,100,000
Parks and Recreation Expendable Trust					
Fund			590,000		590,000
Federal Grant					
Fund			<u>1,175,000</u>		<u>1,175,000</u>
TOTAL			\$5,552,000		\$5,552,000
GRAND TOTAL	\$13,351,000	\$7,365,400	\$7,711,900	\$14,789,300	\$43,217,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Parks and Recreation is authorized no more than one hundred fifty-six and sixty-four hundredths (156.64) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. Notwithstanding Section 67-3511(1) and (2), Idaho Code, trustee and benefit payments appropriated for grants in the Management Services Program may be transferred to capital outlay in the Capital Development Program or to capital outlay in the Park Operations Program to reflect grants awarded to the Department of Parks and Recreation for the period July 1, 2018, through

June 30, 2019. Legislative appropriations shall not be transferred from one fund to another unless expressly approved by the Legislature.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Parks and Recreation any unexpended and unencumbered balances appropriated or reappropriated to the Department of Parks and Recreation for the Capital Development Program for fiscal year 2018 to be used for nonrecurring expenditures in that program for the period July 1, 2018, through June 30, 2019.

Approved March 26, 2018

CHAPTER 281
(H.B. No. 688)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENTS PROGRAM FOR FISCAL YEAR 2019; AND APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENTS PROGRAM FOR FISCAL YEAR 2019.

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 for the designated expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
General			
Fund	\$2,075,000	\$2,255,000	\$4,330,000
Permanent Building			
Fund	2,983,200	3,890,800	6,874,000
Administration and Accounting Services			
Fund	<u>293,000</u>	<u>380,000</u>	<u>673,000</u>
TOTAL	\$5,351,200	\$6,525,800	\$11,877,000

Approved March 26, 2018

CHAPTER 282
(H.B. No. 689)

AN ACT

RELATING TO THE APPROPRIATION TO THE MILITARY DIVISION FOR FISCAL YEAR 2019;
APPROPRIATING MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2019;
LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND GRANTING
CONTINUOUS APPROPRIATION.

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

SECTION 1. There is hereby appropriated to the Military Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MILITARY MANAGEMENT:					
FROM:					
General					
Fund	\$2,128,700	\$394,400	\$204,500	\$300,000	\$3,027,600
Indirect Cost Recovery					
Fund	363,400	25,600			389,000
Miscellaneous Revenue					
Fund		115,900			115,900
Administration and Accounting Services					
Fund	<u>2,401,500</u>	<u>940,000</u>	<u>436,000</u>	<u>0</u>	<u>3,777,500</u>
TOTAL	\$4,893,600	\$1,475,900	\$640,500	\$300,000	\$7,310,000
II. FEDERAL/STATE AGREEMENTS:					
FROM:					
General					
Fund	\$952,000	\$1,086,300			\$2,038,300
Miscellaneous Revenue					
Fund	1,539,800	435,200			1,975,000
Federal Grant					
Fund	<u>22,620,800</u>	<u>20,387,900</u>	<u>\$31,000,000</u>		<u>74,008,700</u>
TOTAL	\$25,112,600	\$21,909,400	\$31,000,000		\$78,022,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. OFFICE OF EMERGENCY MANAGEMENT:					
FROM:					
General					
Fund	\$1,748,000	\$204,200	\$51,800		\$2,004,000
Federal Grant					
Fund	<u>2,559,300</u>	<u>3,851,000</u>	<u>0</u>	<u>\$11,225,600</u>	<u>17,635,900</u>
TOTAL	\$4,307,300	\$4,055,200	\$51,800	\$11,225,600	\$19,639,900
GRAND TOTAL	\$34,313,500	\$27,440,500	\$31,692,300	\$11,525,600	\$104,971,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Military Division is authorized no more than three hundred seventy and eight-tenths (370.80) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, 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, 2018, through June 30, 2019, for the purpose of covering incurred costs arising out of hazardous substance incidents.

Approved March 26, 2018

CHAPTER 283
(S.B. No. 1349)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2019; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2019; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2019; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR CLASSIFIED STAFF; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT AT \$27,481 AND DIVIDING THAT AMOUNT INTO TWO DISTRIBUTIONS; DIRECTING THE USE OF APPROPRIATION FOR INFORMATION TECHNOLOGY STAFFING COSTS; DIRECTING THE USE OF APPROPRIATION FOR CLASSROOM TECHNOLOGY, WIRELESS INFRASTRUCTURE AND INSTRUCTIONAL MANAGEMENT SYSTEMS; DEFINING THE TERM "DISTRIBUTED"; GRANTING THE AUTHORITY TO TRANSFER APPROPRIATIONS AMONG SIX DIVISIONS OF THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM; AND MAKING A GENERAL FUND CASH TRANSFER.

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program/Division of Operations for the period July 1, 2018, through June 30, 2019:

FROM:

General Fund	\$632,440,200
Public Schools Other Income Fund	5,000,000
Public School Endowment Earnings Reserve Fund	<u>50,325,600</u>
TOTAL	\$687,765,800

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2018, through June 30, 2019:

FROM:

General Fund	\$632,440,200
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Operations the following amount to be expended from the listed fund for the period July 1, 2018, through June 30, 2019:

FROM:

Public School Income Fund	\$687,765,800
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SECTION 4. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

(1) To determine the apportionment for instructional staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(2) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board certified instructional staff member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board certified teachers as of July 1 of each year.

(3) To determine the apportionment for pupil service staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. If the district does not employ any pupil service staff, the district's pupil service staff average salary shall equal the district's instructional staff average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(4) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. The district administrative staff index shall be multiplied by the base salary of thirty-four thousand one hundred nine dollars (\$34,109). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(5) To determine the apportionment for classified staff, multiply twenty-one thousand ~~thirty-four~~ six hundred sixty-five dollars (\$21,034665) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(6) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3), (4) and (5) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 5. Notwithstanding any law to the contrary, for the period July 1, 2018, through June 30, 2019, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program/Division of Operations will result in total discretionary funds of \$27,481 per support unit. The \$27,481 is further divided into two distributions: \$15,769 per support unit is to be used at the discretion of the school district or charter school and \$11,712 per support unit is to be used to offset the employer costs of health, vision, and dental insurance offered to its employees. If the distribution provided for health, vision, and dental insurance is in excess of the individual school district's or charter school's actual costs, the excess funds may then be used at the school district's or charter school's discretion. Further, the Superintendent of Public Instruction shall work with the Legislative Services Office and the Division of Financial Management to determine the information that the State Department of Education shall collect on school district and charter school health, vision, and dental insurance costs, including, but not limited to, actual insurance premium costs and premium percentage increases.

SECTION 6. Of the moneys appropriated in Section 3 of this act, \$8,000,000 shall be distributed for public school information technology staff costs. Such moneys shall be distributed pursuant to a formula, with a minimum distribution per school district and public charter school, determined by the Superintendent of Public Instruction.

SECTION 7. CLASSROOM TECHNOLOGY. Of the moneys appropriated in Section 3 of this act, \$36,500,000 shall be distributed for classroom technology, classroom technology infrastructure, wireless technology infrastructure and instructional management systems that assist teachers and students in effective and efficient instruction or learning. Funding shall be distributed based on a formula prescribed by the Superintendent of Public Instruction. Moneys so distributed shall be used to implement and operate an instructional management system of each district's choice that meets the individual learning needs and progress of all students. An instructional management system must include individual student learning plans, monitoring of interventions, integration with a district's Student Information System (SIS), and analysis of student and classroom levels of learning. Furthermore, the Superintendent of Public Instruction shall verify that districts are using funds to purchase an instructional management system that is compliant with these standards.

SECTION 8. DEFINITION. For the purposes of this appropriation, the term "distributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administrative costs.

SECTION 9. TRANSFER. For the period July 1, 2018, through June 30, 2019, the State Department of Education is hereby granted the authority to transfer appropriations among the Administrators, Teachers, Operations, Children's Programs, and Facilities Divisions of the Public Schools Educational Support Program budget, in any amount necessary, to comply with the public school funding provisions of appropriations and the Idaho Code. Additionally, appropriations may be transferred from the Central Services Division to the other divisions of the Public Schools Educational Support Program.

SECTION 10. PUBLIC EDUCATION STABILIZATION FUND TRANSFER. There is hereby appropriated and the State Controller shall transfer \$32,000,000 from the General Fund to the Public Education Stabilization Fund on or after July 1, 2018, or as soon thereafter as practicable.

Law without signature.

CHAPTER 284
(S.B. No. 1225)

AN ACT

RELATING TO CIVIL ACTIONS; AMENDING SECTION 10-1111, IDAHO CODE, TO PROVIDE FOR ORDERS RENEWING JUDGMENT, TO PROVIDE FOR LIENS THAT ARE CONTINUED, TO PROVIDE FOR HOW ENTRY OF AN ORDER RENEWING JUDGMENT AFFECTS A CERTAIN DATE, THE PRIORITY OF COLLECTION AND THE TIME LIMITATION AND TO CLARIFY A PROVISION REGARDING THE MANNER OF ENFORCEMENT OF THE ORIGINAL JUDGMENT.

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

SECTION 1. That Section 10-1111, Idaho Code, be, and the same is hereby amended to read as follows:

10-1111. ~~RENEWAL OF ORDERS RENEWING JUDGMENT~~ -- LIEN. (1) Unless the judgment has been satisfied, at any time prior to the expiration of the lien created by section 10-1110, Idaho Code, or any renewal thereof, the court that entered the judgment, other than a judgment for child support, may, upon motion, renew such judgment by entry of an order renewing judgment. The renewed order renewing judgment may be recorded in the same manner as the original judgment, and the lien established or continued thereby shall continue for ten (10) years from the date of the renewed order renewing judgment. Entry of an order renewing judgment maintains both the date of the original judgment and the priority of collection thereof, and it begins anew the time limitation for an action upon a judgment set forth in section 5-215, Idaho Code.

(2) Unless the judgment has been satisfied, and prior to the expiration of the lien created in section 10-1110, Idaho Code, or any renewal thereof, a court that has entered a judgment for child support may, upon motion, renew such judgment by entry of an order renewing judgment. The renewed entry of an order renewing judgment may be enforced in shall not affect the same manner as of enforcement of the original judgment, and the lien established or continued thereby shall continue for ten (10) years from the date of the renewed order renewing judgment. Entry of an order renewing judgment maintains both the date of the original judgment and the priority of collection thereof, and it begins anew the time limitation for an action upon a judgment set forth in section 5-215, Idaho Code.

Approved March 26, 2018

CHAPTER 285
(S.B. No. 1245, As Amended, As Amended)

AN ACT

RELATING TO LEGAL IMMUNITY; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-344, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTAIN IMMUNITY FROM CIVIL LIABILITY FOR RENDERING AID TO A PERSON IN A MOTOR VEHICLE; AMENDING CHAPTER 70, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7044, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTAIN IMMUNITY FROM CRIMINAL PROSECUTION FOR RENDERING AID TO A PERSON IN A MOTOR VEHICLE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 3, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5-344, Idaho Code, and to read as follows:

5-344. IMMUNITY -- AID TO PERSON IN VEHICLE. (1) A person is immune from civil liability for entry, including forced entry and any resulting property damage, into a motor vehicle for the purpose of removing another person from the vehicle, provided that the person entering:

- (a) Has a reasonable, good-faith belief that the other person is in imminent danger of suffering death or serious bodily harm;
- (b) Contacts law enforcement before and immediately after entering, if feasible; and
- (c) Uses no more force than reasonably necessary to gain entry.

(2) This section shall not be construed to provide immunity from civil liability for physical harm caused to the person in the vehicle or for any other action or omission unrelated to the act of entering the vehicle as provided in subsection (1) of this section.

SECTION 2. That Chapter 70, 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 18-7044, Idaho Code, and to read as follows:

18-7044. IMMUNITY -- AID TO PERSON IN VEHICLE. (1) A person shall not be prosecuted under this title for entry, including forced entry and any resulting property damage, into a motor vehicle for the purpose of removing another person from the vehicle, provided that the person entering:

- (a) Has a reasonable, good-faith belief that the other person is in imminent danger of suffering death or serious bodily harm;
- (b) Contacts law enforcement before and immediately after entering, if feasible; and
- (c) Uses no more force than reasonably necessary to gain entry.

(2) This section shall not be construed to prevent prosecution for physical harm caused to the person in the vehicle or for any other crime unrelated to the act of entering the vehicle as provided in subsection (1) of this section.

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

CHAPTER 286
(S.B. No. 1314, As Amended)

AN ACT

RELATING TO CRIMINAL HISTORY RECORDS; AMENDING SECTION 67-3004, IDAHO CODE, TO PROVIDE FOR THE EXPUNGEMENT OF FINGERPRINT AND CRIMINAL HISTORY RECORDS IN CERTAIN INSTANCES, TO PROVIDE THAT A COURT FILE MAY BE SEALED IN CERTAIN INSTANCES AND TO PROVIDE AN EXCEPTION.

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

SECTION 1. That Section 67-3004, Idaho Code, be, and the same is hereby amended to read as follows:

67-3004. FINGERPRINTING AND IDENTIFICATION. (1) The bureau shall:

(a) Obtain and file fingerprints, physical descriptions and any other available identifying data on persons who have been arrested or served a criminal summons in this state for a retainable offense;

(b) Accept fingerprints and other identifying data taken by a law enforcement agency for the purpose of identification or conducting a records review for criminal justice purposes; and

(c) Process latent fingerprints generated from crime scenes, evidence and law enforcement agencies through the automated fingerprint identification system for prospective identification.

(2) The bureau shall establish policy regarding an arrest fingerprint card and procedures for the taking of fingerprints under this section.

(3) When a person is arrested for a retainable offense, with or without a warrant, fingerprints of the person shall be taken by the law enforcement agency making the arrest. A law enforcement agency may contract or make arrangements with a jail or correctional facility or other criminal justice agency to take the required fingerprints from a person who is arrested by the law enforcement agency.

(4) If a person was arrested and is in the custody of a law enforcement agency, jail or correctional facility and a felony summons or information is filed for an offense separate from the offense for which the person is in custody, the agency, jail or correctional facility shall take the fingerprints of the person in connection with the new offense.

(5) At the initial court appearance or arraignment of a person for an offense pursuant to a felony summons or information, the court, upon notice from the prosecuting attorney, shall order a law enforcement agency to fingerprint the person if he has not been previously fingerprinted for the same offense.

(6) When a defendant is convicted or otherwise adjudicated for a felony offense for which the defendant has not been previously fingerprinted, the court shall order, upon notice from the prosecuting attorney, a law enforcement agency to fingerprint the defendant as a condition of sentence, probation or release.

(7) When a person is received by a state correctional facility, the department of correction shall ensure that legible fingerprints of the person are taken and submitted to the bureau.

(8) When the bureau receives fingerprints of a person in connection with an arrest or incarceration, the bureau shall make a reasonable effort to confirm within five (5) working days the identity of the person fingerprinted. In an emergency situation when an immediate positive identification is needed, a criminal justice agency may request the department to provide immediate identification service.

(9) If the arresting officer, the law enforcement agency that employs the officer, or the jail or correctional facility where fingerprints were

taken is notified by the bureau that fingerprints taken under this section are not legible, the officer, agency or facility shall make a reasonable effort to obtain a legible set of fingerprints. If legible fingerprints cannot be obtained within a reasonable period of time, and if illegible fingerprints were taken under a court order, the officer or agency shall inform the court, which shall order the defendant to submit to fingerprinting again.

(10) Any person who was arrested or served a criminal summons and who subsequently was not charged by indictment or information within one (1) year of the arrest or summons and any person who was acquitted of all offenses arising from an arrest or criminal summons, or who has had all charges dismissed, may have the fingerprint and criminal history record taken in connection with the incident expunged pursuant to the person's written request directed to the department and may have the official court file thereof sealed. This provision shall not apply to any dismissal granted pursuant to section 19-2604(1), Idaho Code.

Approved March 26, 2018

CHAPTER 287
(S.B. No. 1341)

AN ACT

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1601, IDAHO CODE, TO REVISE PROVISIONS REGARDING POLICY; AMENDING SECTION 16-1605, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT SHALL INVESTIGATE IN CERTAIN INSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1619, IDAHO CODE, TO PROVIDE PROCEDURES FOR JUDICIAL REVIEW IN CERTAIN INSTANCES, TO PROVIDE THAT THE COURT SHALL CONSIDER CERTAIN FACTORS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1622, IDAHO CODE, TO REVISE A PROVISION REGARDING PERMANENCY PLANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1629, IDAHO CODE, TO PROVIDE THAT THE COURT SHALL HAVE WRITTEN NOTICE WHEN THERE IS A CHANGE IN FOSTER CARE PLACEMENT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1647, IDAHO CODE, TO ESTABLISH CITIZEN REVIEW PANELS AND A CHILD PROTECTION LEGISLATIVE REVIEW PANEL, TO PROVIDE FOR COMPOSITION OF THE PANELS, TO PROVIDE FOR APPLICATION AND ELIGIBILITY, TO PROVIDE FOR DUTIES OF THE PANELS, TO PROVIDE THAT PANELS SHALL HAVE ACCESS TO CERTAIN INFORMATION, TO PROVIDE REPORTING REQUIREMENTS AND TO PROVIDE MEETING REQUIREMENTS.

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

SECTION 1. That Section 16-1601, Idaho Code, be, and the same is hereby amended to read as follows:

16-1601. POLICY. The policy of the state of Idaho is hereby declared to be the establishment of a legal framework conducive to the judicial processing, including periodic review of child abuse, abandonment and neglect cases, and the protection of any child whose life, health or welfare is endangered. At all times, the health and safety of the child shall be the primary concern. Each child coming within the purview of this chapter shall receive, preferably in his own home, the care, guidance and control that will promote his welfare and the best interest of the state of Idaho, and if he is removed from the control of one (1) or more of his parents, guardian or other custodian, the state shall secure adequate care for him; provided, however, that the state of Idaho shall, to the fullest extent possible, seek to preserve, protect, enhance and reunite the family relationship. Nothing

in this chapter shall be construed to allow discrimination on the basis of disability. This chapter seeks to coordinate efforts by state and local public agencies, in cooperation with private agencies and organizations, citizens' groups, and concerned individuals, to:

- (1) Preserve the privacy and unity of the family whenever possible;
- (2) Take such actions as may be necessary and feasible to prevent the abuse, neglect, abandonment or homelessness of children;
- (3) Take such actions as may be necessary to provide the child with permanency including concurrent planning;
- (4) Clarify for the purposes of this act the rights and responsibilities of parents with joint legal or joint physical custody of children at risk; and
- (5) Maintain sibling bonds by placing siblings in the same home when possible, and support or facilitate sibling visitation when not, unless such contact is not in the best interest of one (1) or more of the children.

SECTION 2. That Section 16-1605, Idaho Code, be, and the same is hereby amended to read as follows:

16-1605. REPORTING OF ABUSE, ABANDONMENT OR NEGLECT. (1) Any physician, resident on a hospital staff, intern, nurse, coroner, school teacher, day care personnel, social worker, or other person having reason to believe that a child under the age of eighteen (18) years has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances which that would reasonably result in abuse, abandonment or neglect shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or the department. The department shall be informed by law enforcement of any report made directly to it. If the department knows or has reason to know that an adult in the home has been convicted of lewd and lascivious conduct or felony injury to a child in the past or that the child has been removed from the home for circumstances that resulted in a conviction for lewd and lascivious conduct or felony injury to a child, then the department shall investigate. When the attendance of a physician, resident, intern, nurse, day care worker, or social worker is pursuant to the performance of services as a member of the staff of a hospital or similar institution, he shall notify the person in charge of the institution or his designated delegate who shall make the necessary reports.

(2) For purposes of subsection (3) of this section, the term "duly ordained minister of religion" means a person who has been ordained or set apart, in accordance with the ceremonial, ritual or discipline of a church or religious organization which has been established on the basis of a community of religious faith, belief, doctrines and practices, to hear confessions and confidential communications in accordance with the bona fide doctrines or discipline of that church or religious organization.

(3) The notification requirements of subsection (1) of this section do not apply to a duly ordained minister of religion, with regard to any confession or confidential communication made to him in his ecclesiastical capacity in the course of discipline enjoined by the church to which he belongs if:

- (a) The church qualifies as tax-exempt under 26 U.S.C. section 501(c)(3);
- (b) The confession or confidential communication was made directly to the duly ordained minister of religion; and
- (c) The confession or confidential communication was made in the manner and context which that places the duly ordained minister of religion specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine. A confession or confidential communication made under any other circumstances does not fall under this exemption.

(4) Failure to report as required in this section shall be a misdemeanor.

SECTION 3. That Section 16-1619, Idaho Code, be, and the same is hereby amended to read as follows:

16-1619. ADJUDICATORY HEARING -- CONDUCT OF HEARING -- CONSOLIDATION. (1) When a petition has been filed, the court shall set an adjudicatory hearing to be held no later than thirty (30) days after the filing of the petition.

(2) A pretrial conference shall be held outside the presence of the court within three (3) to five (5) days before the adjudicatory hearing. Investigative reports required under section 16-1616, Idaho Code, shall be delivered to the court with copies to each of the parents and other legal custodians, guardian ad litem and attorney for the child prior to the pretrial conference.

(3) At the adjudicatory hearing, parents or guardians with disabilities shall have the right to introduce admissible evidence regarding how use of adaptive equipment or supportive services may enable the parent or guardian to carry out the responsibilities of parenting the child by addressing the reason for the removal of the child.

(4) If a preponderance of the evidence at the adjudicatory hearing shows that the child comes within the court's jurisdiction under this chapter upon the grounds set forth in section 16-1603, Idaho Code, the court shall so decree and in its decree shall make a finding on the record of the facts and conclusions of law upon which it exercises jurisdiction over the child.

(5) Upon entering its decree, the court shall consider any information relevant to the disposition of the child but in any event shall:

(a) Place the child under the protective supervision of the department for an indeterminate period not to exceed the child's eighteenth birthday; or

(b) Vest legal custody in the department or other authorized agency subject to residual parental rights and subject to full judicial review by the court and, when contested by any party, judicial approval of all matters relating to the custody of the child by the department or other authorized agency.

(6) If the court vests legal custody in the department or other authorized agency, the court shall make detailed written findings based on facts in the record, that, in addition to the findings required in subsection (4) of this section, continuation of residence in the home would be contrary to the welfare of the child and that vesting legal custody with the department or other authorized agency would be in the best interests of the child. In addition, the court shall make detailed written findings based on facts in the record as to whether the department made reasonable efforts to prevent the placement of the child in foster care, including findings, when appropriate, that:

(a) Reasonable efforts were made but were not successful in eliminating the need for foster care placement of the child;

(b) The department made reasonable efforts to prevent removal but was not able to safely provide preventive services;

(c) Reasonable efforts to temporarily place the child with related persons were made but were not successful; or

(d) Reasonable efforts to reunify the child with one (1) or both parents were not required because aggravated circumstances were present. If aggravated circumstances are found, a permanency hearing for the child shall be held within thirty (30) days of the determination of aggravated circumstances.

- (7) (a) The court shall also inquire regarding:
- (i) Whether there is reason to believe that the child is an Indian child;
 - (ii) The efforts that have been made since the last hearing to determine whether the child is an Indian child; and
 - (iii) The department's efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership.
- (b) In addition, if the court vests legal custody of the child in the department or other authorized agency, the court shall inquire as to:
- (i) If the child is of school age, the department's efforts to keep the child in the school at which the child is currently enrolled; and
 - (ii) If a sibling group was removed from ~~their~~ the home, the department's efforts to place the siblings together, or if the department has not placed or will not be placing the siblings together, about a plan to ensure frequent visitation or ongoing interaction among the siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings.
- (c) If the court vests legal custody of the child in the department or other authorized agency and the child is being treated with psychotropic medication, these additional requirements shall apply:
- (i) The department shall report to the court the medications and dosages prescribed for the child and the medical professional who prescribed the medication; and
 - (ii) The court shall inquire ~~as to~~ about and may make any additional inquiry relevant to the use of psychotropic medications.
- (8) A decree vesting legal custody in the department shall be binding upon the department and may continue until the child's eighteenth birthday.
- (9) A decree vesting legal custody in an authorized agency other than the department shall be for a period of time not to exceed the child's eighteenth birthday and on such other terms as the court shall state in its decree to be in the best interests of the child and which the court finds to be acceptable to such authorized agency.
- (10) In order to preserve the unity of the family system and to ensure the best interests of the child, whether issuing an order of protective supervision or an order of legal custody, the court may consider extending or initiating a protective order as part of the decree. The protective order shall be determined as in the best interests of the child and upon a showing of continuing danger to the child. The conditions and terms of the protective order shall be clearly stated in the decree.
- (11) If the court does not find that the child comes within the jurisdiction of this chapter pursuant to subsection (4) of this section, it shall dismiss the petition.
- (12) Where legal custody of a child is vested in the department, any party or counsel for a child may, at or after the disposition phase of an adjudicatory hearing, file and serve a written motion to contest matters relating to the placement of the child by the department. The hearing must be held no later than thirty (30) days from the date the motion was filed. If the court approves the placement, the court shall enter an order denying the motion. If the court does not approve the placement, the court shall enter an order directing the department to identify and implement an alternative placement in accordance with applicable law. The court shall consider everything necessary or proper in the best interests of the children. The court shall consider all relevant factors, which may include:
- (a) The wishes of the child regarding the child's custodian;
 - (b) The wishes of the child's parent or parents regarding the child's custody, if appropriate;

- (c) The interaction and interrelationship of the child with his parent or parents or foster parent or foster parents, and the child's siblings;
- (d) The child's adjustment to his home, school and community;
- (e) The character and circumstances of all individuals involved;
- (f) The need to promote continuity and stability in the life of the child; and
- (g) A history of domestic violence as defined in section 39-6303, Idaho Code, whether or not in the presence of the child, or a conviction for lewd and lascivious conduct or felony injury to a child.

SECTION 4. That Section 16-1622, Idaho Code, be, and the same is hereby amended to read as follows:

16-1622. REVIEW HEARINGS -- STATUS HEARINGS -- ANNUAL PERMANENCY HEARINGS. (1) Review hearing.

(a) A hearing for review of the child's case and permanency plan shall be held no later than six (6) months after entry of the court's order taking jurisdiction under this act and every six (6) months thereafter. The department and the guardian ad litem shall file reports to the court no later than five (5) days prior to the six (6) month review hearing. The purpose of the review hearing is:

(i) To determine:

1. The safety of the child;
2. The continuing necessity for and appropriateness of the placement;
3. The extent of compliance with the case plan; and
4. The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care;

(ii) To determine or continue to investigate whether the child is an Indian child. If there is reason to believe that the child is an Indian child and there has not been a final determination regarding the child's status as an Indian child:

1. The department shall document and the court shall inquire about the efforts that have been made since the last hearing to determine whether the child is an Indian child; and
2. The department shall document and the court shall determine that the department is using active efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership;

(iii) To inquire regarding the child's educational stability. The department shall document and the court shall inquire as to the efforts made to ensure educational stability for the child, including the efforts made to keep the child in the school in which the child is enrolled at the time of placement or the reason that remaining in the school is not in the child's best interests;

(iv) To inquire regarding sibling placement. The department shall document and the court shall inquire whether siblings were placed together, or if siblings were not placed together, the efforts made to place siblings together, the reasons why siblings were not placed together, and a plan for ensuring frequent visitation or ongoing interaction between the siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings;

(v) To inquire regarding permanency. The court shall ask each youth age twelve (12) years and older about his desired permanency outcome and discuss with the youth his current permanency plan. For a youth age fourteen (14) years and older, the hearing shall

include a review of the services needed to assist the youth to make the transition from foster care to successful adulthood;

(vi) To document efforts related to the reasonable and prudent parent standard. For a youth whose permanency goal is another planned permanent living arrangement, the department shall document:

1. That the youth's foster parents or child care institution is following the reasonable and prudent parent standard when deciding whether the child may participate in extracurricular, enrichment, cultural and social activities; and
2. The regular, ongoing opportunities to engage in age or developmentally appropriate activities that have been provided to the youth;

(vii) To document efforts made to find a permanent placement other than another planned permanent living arrangement. For a youth whose permanency goal is another planned permanent living arrangement, the department shall document:

1. The intensive, ongoing, and as of the date of the hearing, unsuccessful efforts made to place the youth with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling; and
2. Why another planned permanent living arrangement is the best permanency plan for the youth and a compelling reason why, as of the date of the review hearing, it would not be in the best interest of the child to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;

(viii) To make findings regarding a permanency goal of another planned permanent living arrangement. For youth whose permanency goal is another planned permanent living arrangement, the court shall make written, case-specific findings, as of the date of the hearing, that:

1. Another planned permanent living arrangement is the best permanency goal for the youth; and
2. There are compelling reasons why it is not in the best interest of the youth to be placed permanently with a parent, in an adoptive placement, in a guardianship, or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling;

(ix) To document and inquire regarding psychotropic medication. At each review hearing, if the child is being treated with psychotropic medication, these additional requirements shall apply:

1. The department shall report to the court the medication and dosage prescribed for the child, and the medical professional who prescribed the medication; and
2. The court shall inquire as to, and may make any additional inquiry relevant to, the use of psychotropic medication; and

(x) To project, when reasonable, a likely date by which the child may be safely returned to and maintained in the home or placed in another permanent placement.

(b) A status hearing is a review hearing that does not address all or most of the purposes identified in paragraph (a) of this subsection and may be held at the discretion of the court. Neither the department nor the guardian ad litem is required to file a report with the court prior to a status hearing, unless ordered otherwise by the court.

(c) A motion for revocation or modification of an order issued under section 16-1619, Idaho Code, may be filed by the department or any party; provided that no motion may be filed by the respondents under this section within three (3) months of a prior hearing on care and placement of the child. Notice of a motion for review of a child's case shall be provided to the parents and other legal guardians, the prosecuting attorney or deputy attorney general, guardian ad litem, attorney for the child, the department and foster parents.

(d) If the motion filed under paragraph (c) of this subsection alleges that the child's best interests are no longer served by carrying out the order issued under section 16-1619, Idaho Code, or that the department or other authorized agency has failed to provide adequate care for the child, the court shall hold a hearing on the motion.

(e) The department or authorized agency may move the court at any time to vacate any order placing a child in its custody or under its protective supervision.

(2) Permanency plan and hearing.

(a) The permanency plan shall include a permanency goal. The permanency goal may be one (1) of the following: continued efforts at reunification, in the absence of a judicial determination of aggravated circumstances; or termination of parental rights and adoption, guardianship or, for youth age sixteen (16) years and older only, another planned permanent living arrangement. Every permanency plan shall include the information set forth in section 16-1621(3)(a), Idaho Code. If the permanency plan has reunification as a permanency goal, the plan shall include information set forth in section 16-1621(3)(c), Idaho Code; however, if the circumstances that caused the child to be placed into protective custody resulted in a conviction for lewd and lascivious conduct or felony injury to a child, if the child has been in protective custody for more than six (6) months, or if a high risk of repeat maltreatment or reentry into foster care exists due to a parent's recent completion of substance abuse treatment or other compelling circumstances, then the permanency plan shall include a period of protective supervision or trial home visit period of no less than ninety (90) days prior to the court vacating the case. During the protective supervision or trial home visit period, the department shall make regular home visits. During the protective supervision or trial home visit period, the court shall hold one (1) or more review hearings for each permanency plan where a period of protective supervision or a trial home visit has been imposed and may require participation in supportive services including community home visiting and peer-to-peer mentoring. Families reunified following a period of protective supervision or a trial home visit should be encouraged by the department or the court to continue to participate in supportive services when beneficial and appropriate. If the permanency plan has a permanency goal other than reunification, the plan shall include the information set forth in section 16-1621(3)(d), Idaho Code, and, if the permanency goal is termination of parental rights and adoption, then in addition to the information set forth in section 16-1620(3), Idaho Code, the permanency plan shall also name the proposed adoptive parents when known. If the adoptive parents are not known at the time the permanency plan is prepared, then the department shall amend the plan to name the proposed adoptive parents as soon as such person or persons become known. The court may approve a permanency plan which that includes a primary goal and a concurrent goal. As used in this paragraph, "trial home visit" means that a child is returned to the care of the parent or guardian from whom the child was removed with the department continuing to have legal custody of the child.

(b) A permanency hearing shall be held no later than twelve (12) months from the date the child is removed from the home or the date of the court's order taking jurisdiction under this chapter, whichever occurs first, and at least every twelve (12) months thereafter, so long as the court has jurisdiction over the child. The court shall approve, reject or modify the permanency plan of the department and review progress in accomplishing the permanency goal. A permanency hearing may be held at any time and may be combined with the review hearing required under subsection (1) of this section.

(c) The court shall make written, case-specific findings whether the department made reasonable efforts to finalize the primary permanency goal in effect for the child. Lack of reasonable efforts to reunify may be a basis for an order approving a permanency plan with a permanency goal of reunification.

(d) Where the permanency goal is not reunification, the hearing shall include a review of the department's consideration of options for in-state and out-of-state placement of the child. In the case of a child in an out-of-state placement, the court shall determine whether the out-of-state placement continues to be appropriate and in the best interest of the child.

(e) The court shall ask each youth age twelve (12) years and older about his desired permanency outcome and discuss with the youth his current permanency plan. In the case of a child who has attained the age of fourteen (14) years and older, the hearing shall include a determination of the services needed to assist the youth to make the transition from foster care to successful adulthood.

(f) The court may approve a primary permanency goal of another planned permanent living arrangement only for youth age sixteen (16) years or older and only upon written, case-specific findings that, as of the date of the hearing:

(i) Another planned permanent living arrangement is the best permanency goal for the youth; and

(ii) There are compelling reasons why it is not in the best interest of the youth to be placed permanently with a parent, in an adoptive placement, in a guardianship or in the legal custody of the department in a placement with a fit and willing relative, including an adult sibling.

(g) If the child has been in the temporary or legal custody of the department for fifteen (15) of the most recent twenty-two (22) months, the department shall file, prior to the last day of the fifteenth month, a petition to terminate parental rights, unless the court finds that:

(i) The child is placed permanently with a relative;

(ii) There are compelling reasons why termination of parental rights is not in the best interests of the child; or

(iii) The department has failed to provide reasonable efforts to reunify the child with his family.

(h) The department shall document and the court shall inquire:

(i) As to the efforts made to ensure educational stability for the child, including the efforts made to keep the child in the school in which the child is enrolled at the time of placement or that remaining in the school is not in the child's best interests; and

(ii) That siblings were placed together, or, if siblings were not placed together, the efforts made to place siblings together, the reasons why siblings were not placed together or why a joint placement would be contrary to the safety or well-being of one (1) or more of the siblings, and a plan for ensuring frequent visitation or ongoing interaction among siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one (1) or more of the siblings.

(i) If there is reason to believe that the child is an Indian child and there has not been a final determination regarding the child's status as an Indian child, the department shall document and the court shall:

- (i) Inquire about the efforts that have been made since the last hearing to determine whether the child is an Indian child; and
- (ii) Determine that the department has made active efforts to work with all tribes of which the child may be a member to verify whether the child is a member or eligible for membership.

(j) At each permanency hearing, if the child is being treated with psychotropic medication, these additional requirements shall apply:

- (i) The department shall report to the court the medication and dosage prescribed for the child, and the medical professional who prescribed the medication; and
- (ii) The court shall inquire as to, and may make any additional inquiry relevant to, the use of psychotropic medication.

(k) The court may authorize the department to suspend further efforts to reunify the child with the child's parent, pending further order of the court, when a permanency plan is approved by the court and the permanency plan does not include a permanency goal of reunification.

(3) If a youth is in the legal custody of the department or other authorized agency and is within ninety (90) days of his eighteenth birthday, the department shall file a report with the court that includes the department's transition plan for the youth. The court shall have a review or permanency hearing at which the court shall:

- (a) Discuss with the youth his or her transition plan; and
- (b) Review the transition plan with the youth for purposes of ensuring that the plan provides the services necessary to allow the youth to transition to a successful adulthood.

SECTION 5. That Section 16-1629, Idaho Code, be, and the same is hereby amended to read as follows:

16-1629. POWERS AND DUTIES OF THE DEPARTMENT. The department, working in conjunction with the court and other public and private agencies and persons, shall have the primary responsibility to implement the purpose of this chapter. To this end, the department is empowered and shall have the duty to do all things reasonably necessary to carry out the purpose of this chapter, including, but not limited to, the following:

(1) The department shall administer treatment programs for the protection and care of neglected, abused and abandoned children, and in so doing may place in foster care, shelter care, or other diagnostic, treatment, or care centers or facilities, children of whom it has been given custody. The department is to be governed by the standards found in chapter 12, title 39, Idaho Code.

(2) On December 1, the department shall make an annual statistical report to the governor covering the preceding fiscal year showing the number and status of persons in its custody and including such other data as will provide sufficient facts for sound planning in the conservation of children and youth. All officials and employees of the state and of every county and city shall furnish the department, upon request, such information within their knowledge and control as the department deems necessary. Local agencies shall report in such uniform format as may be required by the department.

(3) The department shall be required to maintain a central registry for the reporting of child neglect, abuse and abandonment information. Provided however, that the department shall not retain any information for this purpose relating to a child, or parent of a child, abandoned pursuant to chapter 82, title 39, Idaho Code.

(4) The department shall make periodic evaluation of all persons in its custody or under its protective supervision for the purpose of determining whether existing orders and dispositions in individual cases shall be modified or continued in force. Evaluations may be made as frequently as the department considers desirable and shall be made with respect to every person at intervals not exceeding six (6) months. Reports of evaluation made pursuant to this section shall be filed with the court that has jurisdiction. Reports of evaluation shall be provided to persons having full or partial legal or physical custody of a child. Failure of the department to evaluate a person or to reevaluate him within six (6) months of a previous examination shall not of itself entitle the person to a change in disposition but shall entitle him, his parent, guardian or custodian or his counsel to petition the court pursuant to section 16-1622, Idaho Code.

(5) In a consultive capacity, the department shall assist communities in the development of constructive programs for the protection, prevention and care of children and youth.

(6) The department shall keep written records of investigations, evaluations, prognoses and all orders concerning disposition or treatment of every person over whom it has legal custody or under its protective supervision. Department records shall be subject to disclosure according to chapter 1, title 74, Idaho Code, unless otherwise ordered by the court, the person consents to the disclosure, or disclosure is necessary for the delivery of services to the person. Notwithstanding the provisions restricting disclosure or the exemptions from disclosure provided in chapter 1, title 74, Idaho Code, all records pertaining to investigations, the rehabilitation of youth, the protection of children, evaluation, treatment and/or disposition records pertaining to the statutory responsibilities of the department shall be disclosed to any duly elected state official carrying out his official functions.

(7) The department shall establish appropriate administrative procedures for the processing of complaints of child neglect, abuse and abandonment received and for the implementation of the protection, treatment and care of children formally or informally placed in the custody of the department or under its protective supervision under this chapter including, but not limited to:

(a) Department employees whose job duties are related to the child protective services system under this chapter shall first be trained as to their obligations under this chapter regarding the protection of children whose health and safety may be endangered. The curriculum shall include information regarding their legal duties, how to conduct their work in conformity with the requirements of this chapter, information regarding applicable federal and state laws with regard to the rights of the child, parent and others who may be under investigation under the child protective services system, and the applicable legal and constitutional parameters within which they are to conduct their work.

(b) Department employees whose job duties are related to the child protective services system shall advise the individual of the complaints or allegations made against the individual at the time of the initial contact, consistent with protecting the identity of the referent.

(8) The department, having been granted legal custody of a child, shall have the right to determine where and with whom the child shall live, provided that the child shall not be placed outside the state without the court's consent. The court shall retain jurisdiction over the child, which jurisdiction shall be entered on any order or petition granting legal custody to the department, and the court shall have jurisdiction over all matters relating to the child. The department shall not place the child in the home from which the court ordered the child removed without first obtaining the approval of the court. Notwithstanding the provisions of this subsection, all other determinations relating to where and with whom the

child shall live shall be subject to judicial review by the court and, when contested by any party, judicial approval.

(9) The department shall give to the court any information concerning the child that the court may at any time require, but in any event shall report the progress of the child under its custody or under its protective supervision at intervals of not to exceed six (6) months. The department shall file with the court at least five (5) days prior to the permanency hearing either under section 16-1622, Idaho Code, or, in the case of a finding of aggravated circumstances, section 16-1620, Idaho Code, the permanency plan and recommendations of the department.

(10) The department shall establish appropriate administrative procedures for the conduct of administrative reviews and hearings as required by federal statute for all children committed to the department and placed in out-of-the-home care.

(11) At any time the department is considering a placement pursuant to this chapter, the department shall make a reasonable effort to place the child in the least restrictive environment to the child and in so doing shall consider, consistent with the best interest and special needs of the child, placement priority of the child in the following order:

- (a) A fit and willing relative~~;~~;
- (b) A fit and willing nonrelative with a significant relationship with the child~~;~~;
- (c) Foster parents and other persons licensed in accordance with chapter 12, title 39, Idaho Code, with a significant relationship with the child~~;~~;
- (d) Foster parents and other persons licensed in accordance with chapter 12, title 39, Idaho Code.

(12) If the caseworker assigned to a foster care case recommends removing the child from a foster home in which the child has been placed for sixty (60) or more days, for placement in another foster home, then the case worker's supervisor shall conduct a review of the foster care case and must approve such recommendation before a change in foster home placement occurs. The supervisor shall consider the best interests and special needs of the child, including:

- (a) The clearly stated reasons for the recommended change in placement;
- (b) The number of times the child's placement has been changed since removal from ~~their~~ the child's home and the reasons for each change;
- (c) Whether the child will change schools as a result of the change in placement; and
- (d) Whether the change in placement will separate or reunite siblings or affect sibling visitation.

(13) If the supervisor determines that the recommended change in foster care placement is in the best interests of the child, then the department may change the placement of the child; provided that, the department shall give the foster parents and the court written notice of the planned change at least seven (7) days before the change in placement.

(14) If the caseworker determines that there is abuse or neglect or a substantial risk of abuse or neglect in the foster home, then the department may change the placement of the child without a supervisor's review; provided that, the department shall give the foster parents and the court written notice of the unplanned change within seven (7) days after the change in placement.

(15) In its written notice of a planned or unplanned change required under this section, the department shall clearly state the reasons for the change in placement of the child.

SECTION 6. That Chapter 16, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-1647, Idaho Code, and to read as follows:

16-1647. CITIZEN REVIEW PANELS -- CHILD PROTECTION LEGISLATIVE REVIEW PANEL. (1) Each public health district, as set forth in section 39-408, Idaho Code, shall establish a citizen review panel for the purposes of evaluating and providing recommendations for the improvement of the child protection system within its respective health district.

(2) Each citizen review panel shall be comprised of up to seven (7) members. Members shall reside within the boundaries of the public health district.

(3) The public health districts shall develop an application and process for selecting citizen review panel members. The public health districts shall be responsible for convening the meetings of the citizen review panels and providing administrative support to coordinate meeting times and reports. Panel members shall be volunteers broadly representative of the community in which the panel is established and include members who have expertise in the prevention and treatment of child abuse and neglect and may include adult former victims of child abuse or neglect. An effort shall be made to create a panel comprised of members from diverse professional backgrounds who demonstrate a strong motivation to improve the lives of children. Panel members must pass a criminal background check.

(4) Each citizen review panel shall review all cases brought under the child protective act that have been open in the corresponding district court, or other appropriate local jurisdiction, longer than one hundred twenty (120) days.

(5) Citizen review panel members shall be granted access to copies of all records in the department's custody related to the child and case under review including all information pertaining to prior referrals, prior safety assessments, all court filings and any police reports. The department shall give citizen review panel members access to copies of any additional records within the department's custody upon request. The department shall develop a memorandum of understanding addressing delivery, maintenance and destruction of all records, which must be signed by the panel member before accessing department records.

(6) Representative members from each of the seven (7) citizen review panels shall meet at least quarterly to discuss trends and concerns arising in different areas of the state. Meetings may take place telephonically, electronically or in person.

(7) Each citizen review panel shall produce a quarterly report containing a summary of the activities of the panel and offering recommendations to improve the child protection system experience for children. Reports shall be provided to the department and presented to the child protection legislative review panel established in subsection (9) of this section during its next meeting. Reports shall be exempt from public disclosure in the same manner as are records of investigations prepared by the department pursuant to section 74-105(7), Idaho Code.

(8) The department shall submit an annual written response to citizen review panel reports. This response shall be made available to the public and presented to the child protection legislative review panel established in subsection (9) of this section.

(9) A child protection legislative review panel is hereby established. The panel shall be comprised of four (4) members of the house of representatives chosen by the speaker of the house, with one (1) such member chosen from the house health and welfare committee and one (1) such member chosen from the house judiciary, rules and administration committee and four (4) members of the senate chosen by the president pro tempore, with one (1) such member chosen from the senate health and welfare committee and one (1) such member

chosen from the senate judiciary and rules committee. The child protection legislative review panel shall meet as needed, but at least twice annually, to review citizen review panel reports and the department's annual response and for other purposes related to child protection. The child protection legislative review panel shall prepare an annual report summarizing citizen review panel recommendations and the department's response and shall submit that report to the United States department of health and human services annually.

Approved March 26, 2018

CHAPTER 288
(S.B. No. 1355)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION OF PARDONS AND PAROLE FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE COMMISSION OF PARDONS AND PAROLE FOR FISCAL YEAR 2019; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission of Pardons and Parole the following amounts to be expended for the designated expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$2,721,400	\$596,000	\$3,317,400
Miscellaneous Revenue			
Fund	<u>0</u>	<u>70,700</u>	<u>70,700</u>
TOTAL	\$2,721,400	\$666,700	\$3,388,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission of Pardons and Parole is authorized no more than thirty-seven (37.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 26, 2018

CHAPTER 289
(S.B. No. 1356)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2019; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission on the Arts the following amounts to be expended for the designated expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$350,700	\$190,600	\$299,700	\$841,000
Miscellaneous Revenue				
Fund		89,800	16,500	106,300
Federal Grant				
Fund	<u>403,200</u>	<u>220,500</u>	<u>450,200</u>	<u>1,073,900</u>
TOTAL	\$753,900	\$500,900	\$766,400	\$2,021,200

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, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 26, 2018

CHAPTER 290
(S.B. No. 1357)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2019; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS FOR THE POSTSECONDARY PROGRAM; PROVIDING INTENT LANGUAGE FOR THE REPURPOSING OF APPROPRIATION; PROVIDING NON-GENERAL FUND REAPPROPRIATION AUTHORITY; PROVIDING LEGISLATIVE INTENT FOR THE TRANSFER OF A CASH BALANCE; 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 Career Technical Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE LEADERSHIP & TECHNICAL ASSISTANCE:					
FROM:					
General					
Fund	\$2,624,600	\$344,600	\$49,700		\$3,018,900
Federal Grant					
Fund	<u>241,500</u>	<u>55,000</u>	<u>0</u>		<u>296,500</u>
TOTAL	\$2,866,100	\$399,600	\$49,700		\$3,315,400
II. GENERAL PROGRAMS:					
FROM:					
General					
Fund		\$448,000		\$14,050,600	\$14,498,600
Hazardous Materials/Waste Enforcement					
Fund				67,800	67,800
Miscellaneous Revenue					
Fund				15,000	15,000
Federal Grant					
Fund	<u>\$436,600</u>	<u>74,800</u>		<u>5,778,900</u>	<u>6,290,300</u>
TOTAL	\$436,600	\$522,800		\$19,912,300	\$20,871,700
III. POSTSECONDARY PROGRAMS:					
FROM:					
General					
Fund	\$41,785,700	\$3,752,600	\$533,800	\$240,500	\$46,312,600

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
IV. DEDICATED PROGRAMS:					
FROM:					
General					
Fund				\$1,375,000	\$1,375,000
Displaced Homemaker					
Fund				170,000	170,000
Miscellaneous Revenue					
Fund		<u>\$82,000</u>		<u>0</u>	<u>82,000</u>
TOTAL		\$82,000		\$1,545,000	\$1,627,000
V. RELATED SERVICES:					
FROM:					
General					
Fund	\$96,200	\$5,700		\$1,090,900	\$1,192,800
Miscellaneous Revenue					
Fund		300,000			300,000
Federal Grant					
Fund	<u>51,900</u>	<u>117,800</u>		<u>2,174,000</u>	<u>2,343,700</u>
TOTAL	\$148,100	\$423,500		\$3,264,900	\$3,836,500
GRAND TOTAL	\$45,236,500	\$5,180,500	\$583,500	\$24,962,700	\$75,963,200

SECTION 2. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2019, the Division of Career Technical Education, Postsecondary Program, is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to it for the period July 1, 2018, through June 30, 2019. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. REPURPOSING OF APPROPRIATION. In addition to the appropriation made in Section 1, Chapter 310, Laws of 2017, and any other appropriation provided for by law, it is hereby directed that an amount not to exceed \$598,900 appropriated for fiscal year 2018 for the purpose of establishing a dental hygiene program at the College of Western Idaho be repurposed to support a practical nursing program at the College of Western Idaho.

SECTION 4. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Career Technical Education any unexpended and unencumbered balances of moneys categorized as dedicated funds and federal funds as appropriated for fiscal year 2018 to be used for nonrecurring expenditures for the period July 1, 2018, through June 30, 2019.

SECTION 5. TRANSFER OF A CASH BALANCE. There is hereby appropriated and the State Controller shall transfer \$90,900 from the Seminars and Publications Fund within the Division of Career Technical Education, or the balance thereof, to the Division of Human Resources Fund within the Division of Human Resources on July 1, 2018, or as soon thereafter as practicable, for the period July 1, 2018, through June 30, 2019.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 3 of this act shall be in full force and effect on and after passage and approval.

Approved March 26, 2018

CHAPTER 291
(S.B. No. 1358)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2019; APPROPRIATING MONIES TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2019; AND PROVIDING FOR A CASH TRANSFER.

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 for the designated expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
Capitol Commission Operating			
Fund	\$142,000		\$142,000
Capitol Maintenance Reserve			
Fund	<u>0</u>	<u>\$2,200,000</u>	<u>2,200,000</u>
TOTAL	\$142,000	\$2,200,000	\$2,342,000

SECTION 2. CASH TRANSFER. There is hereby appropriated to the Department of Administration for the Idaho State Capitol Commission and the State Controller shall transfer \$250,000 from the Capitol Maintenance Reserve Fund to the Capitol Commission Operating Fund on July 1, 2018, or as soon thereafter as practicable, for the period July 1, 2018, through June 30, 2019.

Approved March 26, 2018

CHAPTER 292
(S.B. No. 1359)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2019; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the State Board of Education for Community Colleges the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. COLLEGE OF SOUTHERN IDAHO:				
FROM:				
General				
Fund	\$11,789,400	\$1,867,200	\$607,400	\$14,264,000
Community College				
Fund	<u>155,100</u>	<u>26,900</u>	<u>18,000</u>	<u>200,000</u>
TOTAL	\$11,944,500	\$1,894,100	\$625,400	\$14,464,000
 II. COLLEGE OF WESTERN IDAHO:				
FROM:				
General				
Fund	\$9,983,500	\$3,955,400		\$13,938,900
Community College				
Fund	<u>0</u>	<u>200,000</u>		<u>200,000</u>
TOTAL	\$9,983,500	\$4,155,400		\$14,138,900
 III. NORTH IDAHO COLLEGE:				
FROM:				
General				
Fund	\$10,877,000	\$1,816,900	\$216,000	\$12,909,900
Community College				
Fund	<u>122,200</u>	<u>52,800</u>	<u>25,000</u>	<u>200,000</u>
TOTAL	\$10,999,200	\$1,869,700	\$241,000	\$13,109,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
IV. COLLEGE OF EASTERN IDAHO:				
FROM:				
General				
Fund	\$5,005,400	\$8,400		\$5,013,800
Community College				
Fund	<u>200,000</u>	<u>0</u>		<u>200,000</u>
TOTAL	\$5,205,400	\$8,400		\$5,213,800
GRAND TOTAL	\$38,132,600	\$7,927,600	\$866,400	\$46,926,600

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2019, 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, 2018, through June 30, 2019. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 26, 2018

CHAPTER 293
(S.B. No. 1360)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS TO THE ENVIRONMENTAL REMEDIATION BASIN FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE ENVIRONMENTAL REMEDIATION BASIN FUND AND REQUIRING AN ANNUAL REPORT; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL FUND; PROVIDING LEGISLATIVE INTENT REGARDING USE OF CERTAIN MONEYS FOR AGRICULTURAL BEST MANAGEMENT PRACTICES; AND PROVIDING REAPPROPRIATION FOR CERTAIN PROGRAMS.

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

SECTION 1. There is hereby appropriated to the Department of Environmental Quality the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
General					
Fund	\$1,928,200	\$1,628,100	\$74,800		\$3,631,100
Air Quality Permitting					
Fund	231,500	98,600	13,200		343,300
Public Water System Supervision					
Fund	382,600	57,400	4,900		444,900
Water Pollution Control					
Fund	77,900	21,500	1,600		101,000
Environmental Remediation (Basin)					
Fund		26,300			26,300
Department of Environmental Quality (Receipts)					
Fund	271,100	117,500	6,500		395,100
Idaho Underground Storage Tank Program					
Fund	53,300	29,200			82,500
Bunker Hill Trust					
Fund		12,400			12,400
Department of Environmental Quality (Federal)					
Fund	<u>1,680,200</u>	<u>1,774,600</u>	<u>177,100</u>		<u>3,631,900</u>
TOTAL	\$4,624,800	\$3,765,600	\$278,100		\$8,668,500
II. AIR QUALITY:					
FROM:					
General					
Fund	\$3,378,200	\$207,600	\$147,500		\$3,733,300
Air Quality Permitting					
Fund	1,257,400	82,700		\$40,000	1,380,100
Department of Environmental Quality (Receipts)					
Fund	309,700	5,743,000			6,052,700
Department of Environmental Quality (Federal)					
Fund	<u>1,524,800</u>	<u>1,974,200</u>	<u>20,000</u>	<u>41,400</u>	<u>3,560,400</u>
TOTAL	\$6,470,100	\$8,007,500	\$167,500	\$81,400	\$14,726,500
III. WATER QUALITY:					
FROM:					
General					
Fund	\$7,387,600	\$1,293,800	\$94,500	\$1,178,500	\$9,954,400
Public Water System Supervision					
Fund	1,096,100	499,700			1,595,800
Water Pollution Control					
Fund	652,800	534,300		158,200	1,345,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Department of Environmental Quality (Receipts)					
Fund	507,000	153,500		51,600	712,100
Department of Environmental Quality (Federal)					
Fund	<u>4,798,400</u>	<u>1,645,000</u>	<u>0</u>	<u>2,333,200</u>	<u>8,776,600</u>
TOTAL	\$14,441,900	\$4,126,300	\$94,500	\$3,721,500	\$22,384,200
IV. COEUR D'ALENE BASIN COMMISSION:					
FROM:					
General					
Fund	\$115,600	\$10,200			\$125,800
Environmental Remediation (Basin)					
Fund	66,000	15,500			81,500
Department of Environmental Quality (Federal)					
Fund	<u>15,500</u>	<u>253,400</u>		<u>\$50,000</u>	<u>318,900</u>
TOTAL	\$197,100	\$279,100		\$50,000	\$526,200
V. WASTE MANAGEMENT AND REMEDIATION:					
FROM:					
General					
Fund	\$2,633,900	\$102,700		\$134,600	\$2,871,200
Environmental Remediation (Box)					
Fund	30,100	76,600		150,500	257,200
Environmental Remediation (Basin)					
Fund	271,000	341,800			612,800
Department of Environmental Quality (Receipts)					
Fund	800,100	1,447,100		51,800	2,299,000
Idaho Underground Storage Tank Program					
Fund	233,000	25,000			258,000
Bunker Hill Trust					
Fund	47,600	920,000		300,000	1,267,600
Department of Environmental Quality (Federal)					
Fund	<u>2,858,300</u>	<u>4,706,100</u>		<u>3,015,500</u>	<u>10,579,900</u>
TOTAL	\$6,874,000	\$7,619,300		\$3,652,400	\$18,145,700
VI. IDAHO NATIONAL LABORATORY OVERSIGHT:					
FROM:					
General					
Fund	\$87,200	\$8,700			\$95,900
Department of Environmental Quality (Federal)					
Fund	<u>987,400</u>	<u>918,800</u>	<u>\$20,000</u>	<u>\$146,900</u>	<u>2,073,100</u>
TOTAL	\$1,074,600	\$927,500	\$20,000	\$146,900	\$2,169,000
GRAND TOTAL	\$33,682,500	\$24,725,300	\$560,100	\$7,652,200	\$66,620,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Environmental Quality is authorized no more than three hundred eighty-six (386.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CASH TRANSFER FOR WASTE REMEDIATION. There is hereby appropriated to the Department of Environmental Quality and the State Controller shall transfer \$1,500,000 from the Water Pollution Control Fund to the Environmental Remediation (Basin) Fund through monthly installments or as practicable for the period July 1, 2018, through June 30, 2019, to be used for Superfund cleanup projects in the Coeur d'Alene Basin.

SECTION 4. REMEDIATION PROJECT REPORTING REQUIREMENTS. It is the intent of the Legislature that moneys deposited into the Environmental Remediation (Basin) Fund are to be used for remediation of the Coeur d'Alene Basin in accordance with the Superfund contract with the Environmental Protection Agency. The Department of Environmental Quality shall file an annual report with the Governor, Legislature, and Coeur d'Alene Basin Environmental Improvement Project Commission on the remediation progress and the expenditures involved.

SECTION 5. USES OF THE WATER POLLUTION CONTROL FUND. It is the intent of the Legislature that the appropriation of moneys from the Water Pollution Control Fund in this act specifically supersedes the provisions of Section 39-3630, Idaho Code.

SECTION 6. AGRICULTURAL BEST MANAGEMENT PRACTICES. It is the intent of the Legislature that \$500,000 of the ongoing General Fund moneys appropriated to the Water Quality Program for trustee and benefit payments in Section 1 of this act be used for a statewide grant program to support implementation of agricultural Best Management Practices (BMPs) in high-priority watersheds throughout Idaho. The department is to administer this funding through existing BMP grant procedures and personnel. Funding is to be used by farmers and ranchers to modify their agricultural practices in order to improve water quality and help meet the objectives of Total Maximum Daily Loads (TMDLs).

SECTION 7. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Environmental Quality any unexpended and unencumbered balances appropriated to the Department of Environmental Quality for Agricultural Best Management Practices for fiscal year 2018, in an amount not to exceed \$500,000 from the General Fund, to be used for nonrecurring expenditures related to agricultural Best Management Practices for the period July 1, 2018, through June 30, 2019.

Approved March 26, 2018

CHAPTER 294
(S.B. No. 1361)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE WELFARE DIVISION; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE WELFARE DIVISION FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; PROHIBITING TRANSFERS FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; REQUIRING BIENNIAL REPORTS; REDUCING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2018; 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 for the Welfare Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SELF-RELIANCE OPERATIONS:				
FROM:				
Cooperative Welfare (General)				
Fund	\$14,547,000	\$6,124,100		\$20,671,100
Cooperative Welfare (Dedicated)				
Fund	1,330,600	3,539,000		4,869,600
Technology Infrastructure Stabilization				
Fund		2,720,000		2,720,000
Cooperative Welfare (Federal)				
Fund	<u>26,246,400</u>	<u>23,725,900</u>		<u>49,972,300</u>
TOTAL	\$42,124,000	\$36,109,000		\$78,233,000
II. BENEFIT PAYMENTS:				
FROM:				
Cooperative Welfare (General)				
Fund			\$22,774,300	\$22,774,300
Cooperative Welfare (Dedicated)				
Fund			500,000	500,000
Cooperative Welfare (Federal)				
Fund			<u>73,530,500</u>	<u>73,530,500</u>
TOTAL			\$96,804,800	\$96,804,800
GRAND TOTAL	\$42,124,000	\$36,109,000	\$96,804,800	\$175,037,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Welfare Division of the Department of Health and Welfare is authorized no more than six hundred nineteen and fifty-hundredths (619.50) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized. Further, notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that the Department of Health and Welfare has the authority to transfer authorized full-time equivalent positions between budgeted programs.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, 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 budgeted in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2019.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. ACTUAL AND FORECAST DETAIL REPORTING. The Division of Welfare shall deliver the Self-Reliance Programs Forecast biannually to the Legislative Services Office and Division of Financial Management. The report shall include monthly caseload details for Temporary Assistance for Needy Families (TANF), Child Care, Medicaid, Advanced Premium Tax Credit (APTC), Aid to the Aged, Blind, and Disabled, Food Stamps, and Child Support programs. The forecast shall also include expenditure details for all of the named programs except Medicaid. The format of the report, and any additional information contained therein, shall be determined by the Legislative Services Office and Division of Financial Management. The first report shall be submitted no later than December 31, 2018, and the second report shall be submitted no later than June 30, 2019.

SECTION 7. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Department of Health and Welfare for the Self-Reliance Operations Program in Section 2, Chapter 165, Laws of 2017, is reduced by nine (9.00) for the period July 1, 2017, through June 30, 2018.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Section 7 of this act shall be in full force and effect on and after passage and approval.

Approved March 26, 2018

CHAPTER 295
(H.B. No. 554)

AN ACT

RELATING TO SAFETY RESTRAINTS; REPEALING SECTION 6-1608, IDAHO CODE, RELATING TO LIMITATION ON EVIDENCE OF FAILURE TO WEAR A SAFETY RESTRAINT; AND AMENDING SECTION 49-673, IDAHO CODE, TO PROVIDE THAT FAILURE TO USE A SAFETY RESTRAINT SHALL NOT BE CONSIDERED AS EVIDENCE OF CONTRIBUTORY OR COMPARATIVE NEGLIGENCE OR IN ANY CIVIL ACTION REGARDING NEGLIGENCE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 6-1608, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 49-673, Idaho Code, be, and the same is hereby amended to read as follows:

49-673. SAFETY RESTRAINT USE. (1) Except as provided in section 49-672, Idaho Code, and subsection (2) of this section, each occupant of a motor vehicle that has a gross vehicle weight of not more than eight thousand (8,000) pounds, and that was manufactured with safety restraints in compliance with federal motor vehicle safety standard no. 208, shall have a safety restraint properly fastened about ~~his~~ the occupant's body at all times when the vehicle is in motion.

(2) The provisions of this section shall not apply to:

- (a) An occupant of a motor vehicle who possesses a written statement from a licensed physician that he the occupant is unable for medical reasons to wear a safety restraint;
- (b) Occupants of motorcycles, implements of husbandry and emergency vehicles;
- (c) Occupants of seats of a motor vehicle in which all safety restraints are then properly in use by other occupants of that vehicle; or
- (d) Mail carriers.

(3) (a) A citation may be issued to:

- (i) Any occupant of the motor vehicle who is age eighteen (18) years or older ~~who~~ and fails to wear a safety restraint as required in this section; and
- (ii) The operator of the motor vehicle ~~if the operator~~ who is age eighteen (18) years or older and if any occupant under eighteen (18) years of age ~~who~~ fails to wear a safety restraint as required in this section. For purposes of this paragraph (a) (ii), it shall be deemed a single violation regardless of the number of occupants not properly restrained.

(b) A person issued a citation pursuant to this subsection shall be subject to a fine of ten dollars (\$10.00), with five dollars (\$5.00) of such fine to be apportioned to the catastrophic health care cost fund, as set forth in section 57-813, Idaho Code. A conviction under this subsection shall not result in violation point counts as prescribed in section 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving traffic violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.

(4) A citation may be issued to the operator of the motor vehicle if the operator is under eighteen (18) years of age and the operator or any other occupant who is under eighteen (18) years of age fails to wear a safety restraint as required in this section. For purposes of this subsection, it shall be deemed a single violation regardless of the number of occupants not

properly restrained. A person issued a citation pursuant to this subsection shall be subject to a fine of ten dollars (\$10.00), five dollars (\$5.00) of such fine to be apportioned to the catastrophic health care cost fund as set forth in section 57-813, Idaho Code, plus court costs. A conviction under this subsection shall not result in violation point counts as prescribed in section 49-326, Idaho Code. In addition, a conviction under this subsection shall not be deemed to be a moving traffic violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.

(5) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when the operator of the motor vehicle has been detained for a suspected violation of another law.

(6) The department shall initiate and conduct an educational program, to the extent sufficient private donations or federal funds for this specific purpose are available to the department, to encourage compliance with the provisions of this section and to publicize the effectiveness of use of safety restraints and other restraint devices in reducing risk of harm to occupants of motor vehicles.

(7) The department shall evaluate the effectiveness of the provisions of this section and shall include a report of its findings in its annual evaluation report on the Idaho highway safety plan which it submits to the national highway traffic safety administration and federal highway administration pursuant to 23 U.S.C. section 402.

(8) The failure to use a safety restraint shall not be considered under any circumstances as evidence of contributory or comparative negligence, nor shall such failure be admissible as evidence in any civil action with regard to negligence.

Approved March 27, 2018

CHAPTER 296

(H.B. No. 562, As Amended in the Senate)

AN ACT

RELATING TO PUBLIC HEALTH DISTRICTS; AMENDING SECTION 39-411, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE IDAHO DISTRICT BOARDS OF HEALTH AND THE BOARD OF TRUSTEES OF THE IDAHO DISTRICT BOARDS OF HEALTH; AND PROVIDING AN EFFECTIVE DATE AND PROVIDING THE EFFECT OF A CHALLENGE ON THE FORMULA FOR DISTRICT BOARDS OF HEALTH FUNDING.

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

SECTION 1. That Section 39-411, Idaho Code, be, and the same is hereby amended to read as follows:

39-411. COMPOSITION OF DISTRICT BOARD -- QUALIFICATIONS OF MEMBERS -- APPOINTMENT AND REMOVAL -- TERMS -- ~~TRUSTEE SELECTED FOR SELECTION OF OFFICERS~~ -- BOARD OF TRUSTEES OF DISTRICT BOARDS OF HEALTH. (1) For those districts comprised of less:

(a) Fewer than eight (8) counties, the district board of health shall consist of seven (7) members to be appointed by the boards of county commissioners within each district acting jointly, and each board of county commissioners may appoint a board member.

(b) For those districts comprised of ~~e~~Eight (8) counties, the district board of health shall consist of not less fewer than eight (8) members nor more than nine (9) members, and each board of county commissioners may appoint a board member.

(2) Each member of the district board of health shall be a citizen of the United States, a resident of the state of Idaho and the public health district for one (1) year immediately last past, and a qualified elector. One (1) member of the district board, if available to serve, shall be a physician licensed by the Idaho state board of medicine, and no more than one (1) member shall be appointed from any professional or special interest group. All members shall be chosen with due regard to their knowledge and interest in public health and in promoting the health of the citizens of the state and the public health district. Representation shall be assured from rural as well as urban population groups.

(3) All appointments to the district board shall be confirmed by a majority vote of all the county commissioners of all the counties located within the public health district. Any member of the district board may be removed by majority vote of all the county commissioners of all the counties located within the district. ~~The members of the district board, each year, shall select a chairman, a vice-chairman and a trustee. The trustee shall represent the district board as a member of the board of trustees of the Idaho district boards of health. The board of trustees of the Idaho district boards of health shall have authority to allocate appropriations from the legislature to the health districts. The board of trustees shall develop and administer a formula for the allocation of legislative appropriations.~~

(4) ~~The members of the district board of health shall be appointed for the purpose of organization as follows: One (1) member to be appointed for a term of one (1) year, one (1) for two (2) years, one (1) for three (3) years, two (2) for four (4) years and two (2) for five (5) years. Each succeeding vacancy shall be filled by the boards of county commissioners within the district acting jointly and with confirmation as herein described for a term of five (5) years, subject to reappointment; and vacancies on the board for an unexpired term shall be filled for the balance of the unexpired term. Notwithstanding any provision of this section as to term of appointment, if a board member is an appointee for a board of county commissioners, and if that board member is an elected county commissioner and leaves office prior to the expiration of the term on the district board of health, the board of county commissioners may declare the position vacant and may appoint another currently elected county commissioner to fill the unexpired portion of the term of that board member.~~

(5) The members of the district board, each year, shall select a chairman, a vice chairman and a trustee. The trustee shall represent the district board as a member of the board of trustees of the Idaho district boards of health.

(6) The board of trustees of the Idaho district boards of health shall have authority to allocate appropriations from the legislature to the health districts. Such authority is limited to the development and administration of formulas for the allocation of legislative appropriations. Any formula adopted by the board of trustees must be in use, without alteration, for at least two (2) years; provided that during the two (2) year period, the formula may be changed if an emergency occurs, the emergency is declared and there is a unanimous vote of the board of trustees to make the emergency formula change. All proceedings of the board of trustees shall be subject to the provisions of chapter 2, title 74, Idaho Code.

SECTION 2. This act shall be in full force and effect on and after July 1, 2018, provided that if the change in formula provided by this act is challenged by a contested case or other legal challenge, the formula in place prior to the effective date of this act shall remain in place until the challenge is resolved.

CHAPTER 297

(H.B. No. 594, As Amended in the Senate)

AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602EE, IDAHO CODE, TO REVISE THE DEFINITION OF "AGRICULTURAL MACHINERY AND EQUIPMENT"; REPEALING SECTION 63-602EE, IDAHO CODE, RELATING TO CERTAIN TANGIBLE PERSONAL PROPERTY EXEMPT FROM TAXATION; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602EE, IDAHO CODE, TO PROVIDE THAT CERTAIN TANGIBLE PERSONAL PROPERTY IS EXEMPT FROM TAXATION; AND DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 63-602EE, Idaho Code, be, and the same is hereby amended to read as follows:

63-602EE. PROPERTY EXEMPT FROM TAXATION -- CERTAIN TANGIBLE PERSONAL PROPERTY. The following property is exempt from taxation: class 2 property that is agricultural machinery and equipment and exclusively used in agriculture during the immediately preceding tax year. For purposes of this section:

(1) "Agricultural machinery and equipment" shall mean any machinery and equipment that is used in:

(a) Production of field crops including, but not limited to, grains, feed crops, fruits and vegetables or the production of or caring for nursery stock as defined in section 22-2302, Idaho Code; or

(b) Production of hop crops including, but not limited to, stationary picking machines, drying kilns, fans and burners, conveyors and other equipment to move hop crops and baling equipment; hop crops including, but not limited to, rhizomes, bines, leaves, stems and cones; or

(c) The grazing, feeding or raising of livestock, fur-bearing animals, fish, fowl and bees to be sold or used as part of a net profit-making agricultural enterprise or dairy.

(2) Buildings shall not be considered to be agricultural machinery and equipment.

SECTION 2. That Section 63-602EE, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 6, 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 63-602EE, Idaho Code, and to read as follows:

63-602EE. PROPERTY EXEMPT FROM TAXATION -- CERTAIN TANGIBLE PERSONAL PROPERTY. The following property is exempt from taxation: class 2 property that is agricultural machinery and equipment and exclusively used in agriculture during the immediately preceding tax year. For purposes of this section:

(1) "Agricultural machinery and equipment" shall mean any machinery and equipment that is used in:

(a) Production of field crops including, but not limited to, grains, feed crops, fruits and vegetables or the production of or caring for nursery stock as defined in section 22-2302, Idaho Code; or

(b) The grazing, feeding or raising of livestock, fur-bearing animals, fish, fowl and bees to be sold or used as part of a net profit-making agricultural enterprise or dairy.

(2) Buildings shall not be considered to be agricultural machinery and equipment.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after passage and approval, and retroactively to January 1, 2018. Sections 2 and 3 of this act shall be in full force and effect on and after January 1, 2020.

Approved March 27, 2018

CHAPTER 298
(H.B. No. 599)

AN ACT

RELATING TO DRIVING WITHOUT PRIVILEGES; AMENDING SECTION 18-8001, IDAHO CODE, TO REVISE THE OFFENSE OF DRIVING WITHOUT PRIVILEGES, TO REVISE PENALTIES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-301, IDAHO CODE, TO REVISE A PENALTY AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; AMENDING SECTION 49-328, IDAHO CODE, TO PROVIDE THAT A DRIVER'S LICENSE SHALL NOT BE SUSPENDED FOR FAILURE TO PAY AN INFRACTION PENALTY, TO PROVIDE THAT A DRIVER'S LICENSE THAT HAS BEEN SUSPENDED SHALL BE REINSTATED AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 49-1505, IDAHO CODE, RELATING TO SUSPENSION OF DRIVER'S LICENSE AND PRIVILEGES FOR FAILURE TO PAY UNDERLYING TRAFFIC INFRACTION PENALTY AND APPEAL; AMENDING SECTION 31-3201, IDAHO CODE, TO PROVIDE FOR CERTAIN INFRACTIONS; AMENDING SECTION 31-3201A, IDAHO CODE, TO PROVIDE FOR CERTAIN INFRACTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3201H, IDAHO CODE, TO PROVIDE FOR CERTAIN INFRACTIONS; AMENDING SECTION 31-3204, IDAHO CODE, TO PROVIDE FOR CERTAIN INFRACTIONS; AMENDING SECTION 72-1025, IDAHO CODE, TO PROVIDE FOR CERTAIN INFRACTIONS AND TO REMOVE SURPLUS VERBIAGE; AND AMENDING SECTION 72-1105, IDAHO CODE, TO PROVIDE FOR CERTAIN INFRACTIONS.

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

SECTION 1. That Section 18-8001, Idaho Code, be, and the same is hereby amended to read as follows:

18-8001. DRIVING WITHOUT PRIVILEGES.

(1) (a) Except as provided in paragraph (b) of this subsection, aAny person who drives or is in actual physical control of any motor vehicle upon the highways of this state with knowledge or who has received legal notice pursuant to section 49-320, Idaho Code, that his driver's license, driving privileges or permit to drive is revoked, disqualified or suspended in this state or any other jurisdiction is guilty of a misdemeanor.

(b) Any person who drives or is in actual physical control of any motor vehicle upon the highways of this state with knowledge or who has received legal notice pursuant to section 49-320, Idaho Code, that his driver's license, driving privileges or permit to drive is revoked, disqualified or suspended in this state or any other jurisdiction and whose license was suspended for any reason outlined in sections 18-1502, 49-326(1) (g), 49-1204 and 49-1207, Idaho Code, is guilty of an infraction punishable by a fine of one hundred fifty dollars (\$150).

(2) A person has knowledge that his license, driving privileges or permit to drive is revoked, disqualified or suspended when:

(a) He has actual knowledge of the revocation, disqualification or suspension of his license, driving privileges or permit to drive; or

(b) He has received oral or written notice from a verified, authorized source, that his license, driving privileges or permit to drive was revoked, disqualified or suspended; or

(c) Notice of the suspension, disqualification or revocation of his license, driving privileges or permit to drive was mailed by first class mail to his address pursuant to section 49-320, Idaho Code, as shown in the transportation department records, and he failed to receive the notice or learn of its contents as a result of his own unreasonable, intentional or negligent conduct or his failure to keep the transportation department apprised of his mailing address as required by section 49-320, Idaho Code; or

(d) He has knowledge of, or a reasonable person in his situation exercising reasonable diligence would have knowledge of, the existence of facts or circumstances which, under Idaho law, might have caused the revocation, disqualification or suspension of his license, driving privileges or permit to drive.

~~(3) Any person who pleads guilty to or is found guilty of a violation of subsection (1) for the first time:~~

~~(a) Shall be sentenced to jail for a mandatory minimum period of not less than two (2) days, and may be sentenced to not more than six (6) months, provided however, that in the discretion of the sentencing judge, the judge may authorize the defendant to be assigned to a work release or work detail program within the custody of the county sheriff during the period of incarceration, or, if the underlying suspension that resulted in the violation of this section is not a suspension resulting from an offense identified in subsection (8) of this section, the judge may authorize an equivalent amount of community service in lieu of jail, or any equivalent combination of these options;~~

~~(b) May be fined an amount not to exceed one thousand dollars (\$1,000); and~~

~~(c) May have his driving privileges suspended by the court for a period not to exceed one hundred eighty (180) days following the end of any period of suspension, disqualification or revocation existing at the time of the violation; the defendant may request restricted driving privileges during the period of the suspension or disqualification, which the court may allow if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment, education or for family health needs.~~

~~(4) Any person who pleads guilty to or is found guilty of a violation of subsection (1) for a second time within five (5) years, irrespective of the form of the judgment(s) or withheld judgment(s):~~

~~(a) Shall be sentenced to jail for a mandatory minimum period of not less than twenty (20) days, and may be sentenced to not more than one (1) year, provided however, that in the discretion of the sentencing judge, the judge may authorize the defendant to be assigned to a work release or work detail program within the custody of the county sheriff during the period of incarceration, or, if the underlying suspension that resulted in the violation of this section is not a suspension resulting from an offense identified in subsection (8) of this section, the judge may authorize an equivalent amount of community service in lieu of jail, or any equivalent combination of these options;~~

~~(b) May be fined an amount not to exceed one thousand dollars (\$1,000); and~~

~~(c) May have his driving privileges suspended by the court for a period not to exceed one (1) year following the end of any period of suspension, disqualification or revocation existing at the time of the second violation. The defendant may request restricted driving privileges during~~

~~the period of the suspension, which the court may allow if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment, education or for family health needs.~~

~~(5) Any person who has pled guilty to or been found guilty of more than two (2) violations of the provisions of subsection (1) of this section within five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s), is guilty of a misdemeanor; and~~

~~(a) Shall be sentenced to the county jail for a mandatory minimum period of not less than thirty (30) days, and may be sentenced to not more than one (1) year; provided, however, that in the discretion of the sentencing judge, the judge may authorize the defendant to be assigned to a work release or work detail program within the custody of the county sheriff during the period of incarceration, or, if the underlying suspension that resulted in the violation of this section is not a suspension resulting from an offense identified in subsection (8) of this section, the judge may authorize an equivalent amount of community service in lieu of jail, or any equivalent combination of these options;~~

~~(b) May be fined an amount not to exceed three thousand dollars (\$3,000); and~~

~~(c) May have his driving privileges suspended by the court for a period not to exceed two (2) years following the end of any period of suspension, disqualification or revocation existing at the time of the violation. The defendant may request restricted driving privileges during the period of the suspension, which the court may allow if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment, education or for family health needs.~~

~~(6) A minor may be prosecuted for a violation of subsection (1) of this section under chapter 5, title 20, Idaho Code.~~

~~(74) If a person is convicted for a violation of section 18-8004, 18-8004C or 18-8006, Idaho Code, and at the time of arrest had no driving privileges, the penalties imposed by this section shall be in addition to any penalties imposed under the provisions of section 18-8005, 18-8004A, 18-8004C or 18-8006, Idaho Code, and not in lieu thereof.~~

~~(8) For purposes of this section, the offenses referred to in subsections (3) (a), (4) (a) and (5) (a) of this section are:~~

~~(a) Section 18-1501(3), Idaho Code, transporting a minor in a motor vehicle while under the influence;~~

~~(b) Section 18-4006(3), Idaho Code, vehicular manslaughter;~~

~~(c) Section 18-8001, Idaho Code, driving without privileges;~~

~~(d) Section 18-8004, Idaho Code, driving under the influence of alcohol, drugs or other intoxicating substances;~~

~~(e) Section 18-8004C, Idaho Code, excessive alcohol concentration;~~

~~(f) Section 18-8006, Idaho Code, aggravated driving while under the influence of alcohol, drugs or any other intoxicating substances;~~

~~(g) Section 18-8007, Idaho Code, leaving the scene of an accident resulting in injury or death;~~

~~(h) Section 49-1229, Idaho Code, required motor vehicle insurance;~~

~~(i) Section 49-1232, Idaho Code, certificate or proof of liability insurance to be carried in motor vehicle;~~

~~(j) Section 49-1401, Idaho Code, reckless driving;~~

~~(k) Section 49-1404, Idaho Code, eluding a police officer;~~

~~(l) Section 49-1428, Idaho Code, operating a vehicle without liability insurance;~~

~~or any substantially conforming foreign criminal violation.~~

~~(95) In no event shall a person be granted restricted driving privileges unless the person shows proof of liability insurance or other proof of financial responsibility, as provided in chapter 12, title 49, Idaho Code.~~

~~(106) In no event shall a person who is disqualified or whose driving privileges are suspended, revoked or canceled under the provisions of this~~

chapter be granted restricted driving privileges to operate a commercial motor vehicle.

SECTION 2. That Section 49-301, Idaho Code, be, and the same is hereby amended to read as follows:

49-301. DRIVERS TO BE LICENSED. (1) No person, except those expressly exempted by the provisions of this chapter, shall drive any motor vehicle upon a highway unless the person has a current and valid Idaho driver's license. Provided however, that those persons holding a restricted school attendance driving permit may drive upon a highway pursuant to the restrictions set forth in section 49-307A, Idaho Code.

(2) No person shall operate a motorcycle upon a highway unless he has a motorcycle endorsement on his valid driver's license. The provisions of this subsection shall not apply to persons operating autocycles.

(3) No person shall operate a motor vehicle in violation of any valid restriction identified on, or attached to, his valid driver's license.

(4) No person shall receive a class D driver's license unless and until he surrenders to the department all driver's licenses in his possession issued to him by Idaho or any other jurisdiction for use within the United States, or any identification cards issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess a driver's license or any identification cards.

(5) No person shall be permitted to have more than one (1) driver's license issued for use within the United States at any time.

(6) No person shall operate a commercial motor vehicle as defined in section 49-123, Idaho Code, upon a highway:

(a) Without obtaining a commercial driver's license.

(b) Without having the appropriate class A, B or C commercial driver's license in the operator's possession.

(c) Without the proper license class of commercial driver's license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

(d) Unless the operator has a seasonal or class A, B or C driver's license with required endorsements in his possession.

(e) Without having a current and valid medical examiner's certificate on file with the department while operating in a "non-excepted" status as required by the federal motor carrier safety administration. Medical examiner's certificates submitted for filing must be legible and shall be submitted in a manner acceptable to the department. If the federal motor carrier safety administration has issued a medical exemption letter or skill performance evaluation certificate, the driver must have the current and valid documentation in physical possession and available upon request to a duly authorized federal, state or local enforcement official.

(7) Any holder of a class A, B or C commercial driver's license issued by a jurisdiction other than Idaho shall apply for an Idaho-issued commercial driver's license within thirty (30) days of establishing a domicile in Idaho. In accordance with the federal motor carrier safety regulations, no person shall receive a class A, B or C driver's license unless and until he surrenders to the department all driver's licenses in his possession issued to him by Idaho or any other jurisdiction.

(8) Except as provided in section 49-304, Idaho Code, a violation of this section A person operating a vehicle that requires a class A, B or C license without a current and valid license required to drive such vehicle is guilty of a misdemeanor. Except as provided in sections 18-8001(1) and 49-304, Idaho Code, operating a vehicle without a current and valid class D driver's license in violation of this section is an infraction punishable by a fine of one hundred fifty dollars (\$150). A second conviction for

operating a vehicle without a current and valid class D driver's license within a period of five (5) years of the first conviction is an infraction punishable by a fine of three hundred dollars (\$300). A third and any subsequent conviction for operating a vehicle without a current and valid class D driver's license within a period of five (5) years of the first conviction shall be a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six (6) months, or both.

SECTION 3. That Section 49-328, Idaho Code, be, and the same is hereby amended to read as follows:

49-328. REINSTATEMENT OF REVOKED, DISQUALIFIED OR SUSPENDED DRIVER'S LICENSE -- FEE -- WHEN REINSTATEMENT PROHIBITED. (1) When the period of revocation, disqualification or suspension of a driver's license has expired, or the reason for the revocation, disqualification or suspension no longer exists, the department shall reinstate the driver's license or driving privileges on application of the driver.

(2) The application shall be in the form prescribed by the department and accompanied by a reinstatement fee of twenty-five dollars (\$25.00) which shall be deposited in the state highway account.

(3) ~~A driver's license which has been shall not be suspended under section 49-1505, Idaho Code, for failure to pay an infraction penalty shall not be reinstated until the licensee provides proof that the infraction penalty has been paid to the court.~~ All driver's licenses suspended prior to July 1, 2018, for failure to pay an infraction penalty shall be reinstated upon application and without charge to the applicant.

(4) In addition to any other fees required in this section to be collected, the department shall collect sixty dollars (\$60.00) for reinstating a driver's license after conviction for driving under the influence, without privileges, and after conviction or other violation of any other traffic-related misdemeanor or infraction, of which fees forty dollars (\$40.00) shall be paid over to the county treasurer of the county in which the conviction occurred for support of that county's justice fund, or the current expense fund if no county justice fund has been established, and the twenty dollars (\$20.00) shall be deposited in the state highway account.

(5) In addition to any other fees required in this section to be collected, the department shall collect two hundred dollars (\$200) for reinstating a driver's license after a suspension imposed under the provisions of section 18-8002 or section 18-8002A, Idaho Code, or after a revocation, disqualification or suspension arising out of any alcohol or drug-related offense, other than a suspension imposed upon a person under eighteen (18) years of age pursuant to section 18-1502(d), Idaho Code. Funds collected pursuant to this subsection shall be deposited in the state highway account.

(6) When there is more than one (1) reason why a driver's license was revoked or suspended or why a driver was disqualified, the department shall not collect multiple fees for reinstatement, but shall only collect one (1) reinstatement fee, which shall be the greater reinstatement fee, provided however, the department shall collect a reinstatement fee for each revocation, disqualification or suspension under chapter 80, title 18, Idaho Code.

SECTION 4. That Section 49-1505, Idaho Code, be, and the same is hereby repealed.

SECTION 5. 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 (5) days after the end of the month, pay such fee to the state treasurer for deposit into the court technology fund.

SECTION 6. 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's 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;
 - (xiv) Filings of any answer after an initial appearance fee has been paid.

The filing fee shall be distributed as follows: seventeen dollars (\$17.00) of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county; 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 (5) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund; seventeen dollars (\$17.00) 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 (5) 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. If the magistrate court facilities are provided by the county, five dollars (\$5.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and twelve dollars and fifty cents (\$12.50) 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. If the magistrate court facilities are provided by a city, five dollars (\$5.00) of such fee shall be paid to the city treasurer for deposit in the city general fund, two dollars and fifty cents (\$2.50) of such fee shall be paid to the city treasurer for deposit in the city capital facilities fund for the construction, remodeling and support of magistrate court facilities, and 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.

(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. If the magistrate court facilities are provided by the county, five dollars (\$5.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and eleven dollars and fifty cents (\$11.50) 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. If the magistrate court facilities are provided by a city, five dollars (\$5.00) of such fee shall be paid to the city treasurer for deposit in the city general fund, two dollars and fifty cents (\$2.50) of such fee shall be paid to the city treasurer for deposit in the city capital facilities fund for the construction, remodeling and support of magistrate court facilities, and nine dollars (\$9.00) 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.

(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's 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 (5) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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 (5) 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's 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 (5) 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 (5) 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 (5) 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 (5) 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 (5) 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) 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 afesaid 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 7. That Section 31-3201H, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201H. SURCHARGE FEE. (1) The court shall charge a surcharge fee to be paid by each defendant for each criminal offense or infraction committed on or after April 15, 2010, for which the defendant is found or pleads guilty. Such fee shall be in addition to all other fines and fees levied.

(2) The amount of the surcharge fee shall be as follows:

(a) For each felony, the fee shall be one hundred dollars (\$100);

(b) For each misdemeanor, and for each infraction under section 18-8001 or 49-301, Idaho Code, or each first-time infraction under section 23-604 or 23-949, Idaho Code, the fee shall be fifty dollars (\$50.00); and

(c) For each infraction, except each infraction under section 18-8001 or 49-301, Idaho Code, or each first-time infraction under section 23-604 or 23-949, Idaho Code, the fee shall be ten dollars (\$10.00).

(3) The fee shall be collected by the clerk of the district court and shall be paid to the county treasurer, who shall, within five (5) days after the end of the month, pay such fees to the state treasurer, who shall deposit eighty percent (80%) of such fees in the state general fund and twenty percent (20%) of such fees in the court technology fund created by section 1-1623, Idaho Code.

SECTION 8. That Section 31-3204, Idaho Code, be, and the same is hereby amended to read as follows:

31-3204. VICTIM NOTIFICATION -- FEE. The court shall charge a fee of fifteen dollars (\$15.00) for victim notification purposes to be paid by each person found guilty of each felony, misdemeanor or infraction under section 18-8001 or 49-301, Idaho Code, or first-time infraction under section 23-604 or 23-949, Idaho Code, except when the court orders such fee waived because the person is indigent and unable to pay such fee. Such fee shall be in addition to all other fines and fees levied. Such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the state victim notification fund established in section 67-2912, Idaho Code.

SECTION 9. That Section 72-1025, Idaho Code, be, and the same is hereby amended to read as follows:

72-1025. FINES -- REIMBURSEMENTS -- PRIORITY -- 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 ~~section~~, 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, Idaho Code.

(2) The fine or reimbursement imposed under the provisions of this section shall have priority over all other judgments of the court, except an order to pay court costs.

(3) 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 10. That Section 72-1105, Idaho Code, be, and the same is hereby amended to read as follows:

72-1105. FUND ESTABLISHED -- FINES -- PRIORITY -- DISPOSITION. (1) The peace officer and detention officer temporary disability fund is hereby created in the state treasury and shall be administered by the industrial commission for the purpose of providing a full rate of salary for any peace officer or detention officer who is injured while engaged in those activities as provided in section 72-1104, Idaho Code, and is thereby temporarily incapacitated from performing his or her duties. Moneys shall be paid into the fund as provided by law and shall consist of fines collected pursuant to subsection (2) of this section, appropriations, gifts, grants, donations and income from any other source. Moneys in the fund may be appropriated only for the purposes of this chapter, which shall include administrative expenses. The treasurer shall invest all idle moneys in the fund. Any interest earned on the investment of idle moneys shall be returned to the fund.

(2) In addition to any other fine that may be imposed upon each person found guilty of criminal activity, the court shall impose a fine in the amount of three dollars (\$3.00) for each conviction or finding of guilt of each felony or misdemeanor count, for each conviction or finding of guilt of an infraction under section 18-8001 or 49-301, Idaho Code, or for each conviction or finding of guilt of a first-time infraction under section 23-604 or 23-949, Idaho Code, unless the court orders that such fine 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.

(3) Except as otherwise provided in section 72-1025, Idaho Code, the fine imposed under this section shall have priority over all other judgments of the court, except an order to pay court costs.

(4) Notwithstanding the provisions of section 19-4705, Idaho Code, the fines imposed under this section shall be paid into the peace officer and detention officer temporary disability fund.

Approved March 27, 2018

CHAPTER 299
(H.B. No. 666)

AN ACT

RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 2019; CONTINUING RULES APPROVED OR EXTENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE SECOND REGULAR SESSION OF THE SIXTY-FOURTH IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 2019, OR UNTIL SUCH TIME AS THEY SHALL EXPIRE; PROVIDING THAT RULES REJECTED BY CONCURRENT RESOLUTION SHALL BE NULL, VOID AND OF NO FORCE AND EFFECT; AUTHORIZING AGENCIES TO AMEND OR REPEAL CERTAIN RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT AND DECLARING THE EFFECT OF THIS ACT UPON ADMINISTRATIVE RULES; AND PROVIDING SEVERABILITY.

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

SECTION 1. Except as provided in Sections 2, 3 and 4 of this act, every rule, as that term is defined in Section 67-5201, Idaho Code, that would expire on July 1, 2018, pursuant to the provisions of subsections (1) and (2) of Section 67-5292, Idaho Code, shall continue in full force and effect until July 1, 2019, at which time they shall expire as provided in Section 67-5292, Idaho Code.

SECTION 2. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been affirmatively approved or extended by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the Second Regular Session of the Sixty-fourth Idaho Legislature shall continue in full force and effect in such approved or extended language until July 1, 2019, at which time they shall expire as provided in Section 67-5292, Idaho Code, or until such earlier time as provided in the rule or as otherwise provided by statute, unless further extended by statute.

SECTION 3. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been rejected by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the Second Regular Session of the Sixty-fourth Idaho Legislature shall be null, void and of no force and effect as provided in Section 67-5291, Idaho Code.

SECTION 4. Nothing contained in this act shall be deemed to prohibit an agency, as that term is defined in Section 67-5201, Idaho Code, from amending or repealing rules which have been continued in full force and effect until July 1, 2019, pursuant to Sections 1 and 2 of this act, according to the procedures contained in Chapter 52, Title 67, Idaho Code, and subject to submission to the Legislature for approval. Nothing contained in this act shall endow any administrative rule continued in full force and effect under this act with any more legal stature than that of any administrative rule. Nothing contained in this act shall be deemed to be a legislative approval of any rule whose force and effect has been extended by this act, and nothing contained herein shall constitute a legislative finding that any of the rules whose force and effect have been extended hereunder are consistent with the legislative intent of the statute(s) pursuant to which they were promulgated.

SECTION 5. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

Approved March 27, 2018

CHAPTER 300
(H.B. No. 682)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF MENTAL HEALTH SERVICES, PSYCHIATRIC HOSPITALIZATION AND SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2019; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT 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 LEGISLATIVE INTENT REGARDING FUNDING FOR BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS; PROVIDING FOR A PROGRAM TRANSFER EXEMPTION; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE ADULT MENTAL HEALTH PROGRAM FOR FISCAL YEAR 2018; 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, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MENTAL HEALTH SERVICES:					
A. CHILDREN'S MENTAL HEALTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$5,108,300	\$1,404,500		\$1,787,800	\$8,300,600
Cooperative Welfare (Dedicated)					
Fund				164,500	164,500
Technology Infrastructure Stabilization					
Fund		250,000			250,000
Cooperative Welfare (Federal)					
Fund	<u>2,799,600</u>	<u>2,179,400</u>		<u>1,092,600</u>	<u>6,071,600</u>
TOTAL	\$7,907,900	\$3,833,900		\$3,044,900	\$14,786,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. ADULT MENTAL HEALTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$14,568,200	\$3,352,100		\$15,851,300	\$33,771,600
Cooperative Welfare (Dedicated)					
Fund	112,100			350,000	462,100
Cooperative Welfare (Federal)					
Fund	<u>2,196,400</u>	<u>1,141,800</u>		<u>778,700</u>	<u>4,116,900</u>
TOTAL	\$16,876,700	\$4,493,900		\$16,980,000	\$38,350,600
DIVISION TOTAL	\$24,784,600	\$8,327,800		\$20,024,900	\$53,137,300
II. PSYCHIATRIC HOSPITALIZATION:					
A. COMMUNITY HOSPITALIZATION:					
FROM:					
Cooperative Welfare (General)					
Fund				\$3,069,000	\$3,069,000
B. STATE HOSPITAL NORTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$7,526,900	\$156,900	\$35,400	\$105,500	\$7,824,700
Cooperative Welfare (Dedicated)					
Fund	158,500				158,500
State Hospital North Endowment Income					
Fund	<u>402,200</u>	<u>1,102,800</u>	<u>0</u>	<u>44,500</u>	<u>1,549,500</u>
TOTAL	\$8,087,600	\$1,259,700	\$35,400	\$150,000	\$9,532,700
C. STATE HOSPITAL SOUTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$11,090,300	\$607,400	\$221,300	\$242,000	\$12,161,000
Cooperative Welfare (Dedicated)					
Fund	3,303,400	881,700	55,000	900	4,241,000
Mental Hospital Endowment Income					
Fund	3,466,000	1,365,800	230,000		5,061,800
Cooperative Welfare (Federal)					
Fund	<u>3,710,100</u>	<u>948,800</u>	<u>0</u>	<u>25,800</u>	<u>4,684,700</u>
TOTAL	\$21,569,800	\$3,803,700	\$506,300	\$268,700	\$26,148,500
DIVISION TOTAL	\$29,657,400	\$5,063,400	\$541,700	\$3,487,700	\$38,750,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. SUBSTANCE ABUSE TREATMENT AND PREVENTION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$298,300	\$673,500		\$1,761,400	\$2,733,200
Prevention of Minors' Access to Tobacco					
Fund		43,800			43,800
Cooperative Welfare (Dedicated)					
Fund	49,000	438,300			487,300
Liquor Control					
Fund				650,000	650,000
Idaho Millennium Income					
Fund		160,000			160,000
Cooperative Welfare (Federal)					
Fund	<u>1,089,400</u>	<u>3,514,200</u>		<u>8,528,400</u>	<u>13,132,000</u>
TOTAL	\$1,436,700	\$4,829,800		\$10,939,800	\$17,206,300
GRAND TOTAL	\$55,878,700	\$18,221,000	\$541,700	\$34,452,400	\$109,093,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the following number of full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized. Further, notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that the Department of Health and Welfare has the authority to transfer authorized full-time equivalent positions between budgeted programs.

Adult Mental Health	210.56
Children's Mental Health	97.67
State Hospital North	107.10
State Hospital South	285.25
Substance Abuse Treatment and Prevention	16.00

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, 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 budgeted in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2019.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that 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 Division of Mental Health and the Psychiatric Hospitalization Division 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. It is the finding of the Legislature that the Department of Health and Welfare is responsible for the educational needs of school-age children placed in its custody by the courts for either child protective or mental health issues. If the Department of Health and Welfare places a child in a licensed residential treatment facility that includes a nonpublic accredited school, and it is determined by the Department of Health and Welfare that it is in the best interest of the child to be educated at the residential treatment facility, then it is the responsibility of the Department of Health and Welfare to pay for such education, per student, per educational day. This intent language does not preclude other Idaho state agencies 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 language is included within existing department base appropriations.

SECTION 8. INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT. The Children's Mental Health Program shall, no later than July 16, 2018, 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, 2018, through June 30, 2019.

SECTION 9. BEHAVIORAL HEALTH CRISIS CENTERS. It is the intent of the Legislature that the Behavioral Health Community Crisis Centers located in Idaho Falls and Coeur d'Alene share an updated plan, and the Behavioral Health Community Crisis Center located in Twin Falls share its two-year plan as required by contract with the Department of Health and Welfare. These reports are to demonstrate to what extent the centers will provide financial support from non-state sources for ongoing operations of the centers. These reports are to be submitted to the Legislative Services Office no later than December 31, 2018. Further, it is the expectation that all other community crisis centers will be required to share their two-year plan as required by their contract with the Department of Health and Welfare upon completion of two years of operations.

SECTION 10. PROGRAM TRANSFER EXEMPTION. Notwithstanding the provisions of Section 67-3511(2), Idaho Code, funding may be transferred into the Community Hospitalization budget in excess of ten percent (10%) of the appropriation from within the Department of Health and Welfare.

SECTION 11. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Adult Mental Health Program in Section 1, Chapter 292, Laws of 2017, from the Cooperative Welfare (General) Fund is hereby reduced by \$1,600,000 for trustee and benefit payments for the period July 1, 2017, through June 30, 2018.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, Section 11 of this act shall be in full force and effect on and after passage and approval.

CHAPTER 301
(H.B. No. 690)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT REGARDING THE OFFENDER MANAGEMENT SYSTEM REPLACEMENT PLAN.

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

SECTION 1. There is hereby appropriated to the Department of Correction the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$9,917,500	\$4,321,600			\$14,239,100
Inmate Labor					
Fund	105,000	123,700			228,700
Parolee Supervision					
Fund	204,500	92,300			296,800
Miscellaneous Revenue					
Fund	837,600	97,400			935,000
Penitentiary Endowment Income					
Fund			\$230,000		230,000
Technology Infrastructure Stabilization					
Fund	<u>0</u>	<u>7,016,000</u>	<u>0</u>		<u>7,016,000</u>
TOTAL	\$11,064,600	\$11,651,000	\$230,000		\$22,945,600
II. STATE PRISONS:					
A. PRISONS ADMINISTRATION:					
FROM:					
General					
Fund	\$1,520,400	\$584,400			\$2,104,800
Miscellaneous Revenue					
Fund	360,200	161,400			521,600
Penitentiary Endowment Income					
Fund			\$160,000		160,000
Federal Grant					
Fund	<u>588,400</u>	<u>496,600</u>	<u>0</u>		<u>1,085,000</u>
TOTAL	\$2,469,000	\$1,242,400	\$160,000		\$3,871,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$22,452,500	\$3,692,000			\$26,144,500
Inmate Labor					
Fund		46,800			46,800
Miscellaneous Revenue					
Fund	652,900	145,600			798,500
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>1,272,400</u>			<u>1,272,400</u>
TOTAL	\$23,105,400	\$5,156,800			\$28,262,200
C. IDAHO STATE CORRECTIONAL CENTER - BOISE:					
FROM:					
General					
Fund	\$22,248,300	\$5,833,200			\$28,081,500
Miscellaneous Revenue					
Fund	<u>0</u>	<u>341,400</u>			<u>341,400</u>
TOTAL	\$22,248,300	\$6,174,600			\$28,422,900
D. IDAHO CORRECTIONAL INSTITUTION - OROFINO:					
FROM:					
General					
Fund	\$8,042,600	\$1,737,700			\$9,780,300
Inmate Labor					
Fund	998,900	741,700	\$102,000		1,842,600
Miscellaneous Revenue					
Fund	59,700	286,400			346,100
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>49,000</u>		<u>0</u>	<u>49,000</u>
TOTAL	\$9,101,200	\$2,814,800	\$102,000		\$12,018,000
E. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$10,810,900	\$1,658,200			\$12,469,100
Inmate Labor					
Fund		49,700			49,700
Miscellaneous Revenue					
Fund	70,000	48,600			118,600
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>222,700</u>			<u>222,700</u>
TOTAL	\$10,880,900	\$1,979,200			\$12,860,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
F. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:					
FROM:					
General					
Fund	\$5,062,100	\$1,126,500	\$4,900		\$6,193,500
Inmate Labor					
Fund		274,400			274,400
Miscellaneous Revenue					
Fund	48,500	67,000			115,500
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>224,200</u>	<u>0</u>		<u>224,200</u>
TOTAL	\$5,110,600	\$1,692,100	\$4,900		\$6,807,600
G. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$6,786,900	\$1,992,000			\$8,778,900
Inmate Labor					
Fund	1,246,200	1,114,500	\$193,500		2,554,200
Miscellaneous Revenue					
Fund	124,200	73,300			197,500
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>21,000</u>	<u>0</u>		<u>21,000</u>
TOTAL	\$8,157,300	\$3,200,800	\$193,500		\$11,551,600
H. ST. ANTHONY WORK CAMP:					
FROM:					
General					
Fund	\$2,459,200	\$494,700	\$1,200		\$2,955,100
Inmate Labor					
Fund	982,800	614,500			1,597,300
Miscellaneous Revenue					
Fund		98,100			98,100
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>1,900</u>	<u>0</u>		<u>1,900</u>
TOTAL	\$3,442,000	\$1,209,200	\$1,200		\$4,652,400
I. POCATELLO WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund	\$5,710,800	\$1,199,800			\$6,910,600
Inmate Labor					
Fund	311,800	74,300			386,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue					
Fund	236,300	104,500			340,800
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>26,900</u>			<u>26,900</u>
TOTAL	\$6,258,900	\$1,405,500			\$7,664,400
 J. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund	\$3,577,900	\$661,100	\$4,900		\$4,243,900
Inmate Labor					
Fund	59,800	47,500	35,000		142,300
Miscellaneous Revenue					
Fund		32,700			32,700
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>120,700</u>	<u>0</u>		<u>120,700</u>
TOTAL	\$3,637,700	\$862,000	\$39,900		\$4,539,600
 DIVISION					
TOTAL	\$94,411,300	\$25,737,400	\$501,500		\$120,650,200
 III. COUNTY & OUT-OF-STATE PLACEMENT:					
FROM:					
General					
Fund		\$21,178,500			\$21,178,500
 IV. CORRECTIONAL ALTERNATIVE PLACEMENT:					
FROM:					
General					
Fund		\$8,737,900	\$1,048,600		\$9,786,500
Miscellaneous Revenue					
Fund		<u>200,000</u>	<u>0</u>		<u>200,000</u>
TOTAL		\$8,937,900	\$1,048,600		\$9,986,500
 V. COMMUNITY CORRECTIONS:					
A. COMMUNITY SUPERVISION:					
FROM:					
General					
Fund	\$18,020,800	\$2,059,000			\$20,079,800
Inmate Labor					
Fund		54,100			54,100
Parolee Supervision					
Fund	5,154,300	1,525,700			6,680,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Drug and Mental Health Court Supervision					
Fund	471,500	27,200			498,700
Miscellaneous Revenue					
Fund	91,300	134,900			226,200
Federal Grant					
Fund	<u>387,200</u>	<u>114,300</u>	<u>\$61,000</u>		<u>562,500</u>
TOTAL	\$24,125,100	\$3,915,200	\$61,000		\$28,101,300
B. COMMUNITY WORK CENTERS:					
FROM:					
General					
Fund	\$3,026,900	\$91,200	\$196,800		\$3,314,900
Inmate Labor					
Fund	989,300	1,697,500			2,686,800
Miscellaneous Revenue					
Fund	<u>0</u>	<u>30,700</u>	<u>0</u>		<u>30,700</u>
TOTAL	\$4,016,200	\$1,819,400	\$196,800		\$6,032,400
DIVISION TOTAL	\$28,141,300	\$5,734,600	\$257,800		\$34,133,700
VI. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT:					
FROM:					
General					
Fund	\$1,382,900	\$159,100		\$6,286,300	\$7,828,300
Idaho Millennium Income					
Fund	<u>0</u>	<u>0</u>		<u>2,078,100</u>	<u>2,078,100</u>
TOTAL	\$1,382,900	\$159,100		\$8,364,400	\$9,906,400
VII. MEDICAL SERVICES:					
FROM:					
General					
Fund		\$49,681,900			\$49,681,900
Miscellaneous Revenue					
Fund		<u>135,000</u>			<u>135,000</u>
TOTAL		\$49,816,900			\$49,816,900
GRAND TOTAL	\$135,000,100	\$123,215,400	\$2,037,900	\$8,364,400	\$268,617,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Correction is authorized no more than two thousand two and eighty-five hundredths (2,002.85) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appro-

priations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. OFFENDER MANAGEMENT SYSTEM REPLACEMENT PLAN. In accordance with Section 1, Article VIII, of the Constitution of the state of Idaho, it is the intent of the Legislature that, of the amount appropriated in Section 1 of this act, \$7,016,000 from the Technology Infrastructure Stabilization Fund is the first of three annual onetime appropriations for the department's offender management system replacement plan, subject to the availability of funds and satisfactory project implementation. On or before September 1 of each year, the department shall report to the Legislature regarding the specific efforts made to replace its offender management system; the outcomes of those efforts; an estimate of the annual appropriation amount needed to continue those efforts; and a plan on how the department will continue to make efforts to replace the offender management system.

Approved March 27, 2018

CHAPTER 302
(H.B. No. 691)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2019; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS FOR FISCAL YEAR 2019; PROVIDING FOR A GENERAL FUND CASH TRANSFER; PROVIDING LEGISLATIVE INTENT REGARDING UTILIZATION OF MATCHING FUNDS; PROVIDING LEGISLATIVE INTENT REGARDING REALLOCATION OF PROJECT SAVINGS; AND PROVIDING DIRECTION ON THE TIMING OF THE USE OF FUNDS FOR A SPECIFIC PROJECT.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Division of Public Works \$77,772,000 from the Permanent Building Fund to be expended for capital outlay for the period July 1, 2018, through June 30, 2019.

SECTION 2. ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS. Moneys appropriated in Section 1 of this act, or so much thereof as in each case may be necessary, shall be used for the purpose of paying the cost of any land, building, or equipment, or the rebuilding, renovation, or repair of buildings, installations, facilities, or structures at the places, institutions, and agencies, or their successors, including those listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair, and acquisitions therein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

MAINTENANCE PROJECTS IN THE FOLLOWING AREAS :

Alteration and Repair Projects	\$49,564,900
Asbestos Abatement	200,000
Statewide Americans with Disabilities Act Compliance	1,300,000
Capitol Mall Maintenance	<u>250,000</u>
TOTAL	\$51,314,900

CAPITAL PROJECTS :

Department of Correction Waste Water Lagoon Upgrade	\$1,220,000
College of Southern Idaho Canyon Building Remodel	830,000
Division of Military's MWR Facility	250,000
Public Safety Communications Site	700,000
Department of Correction Community Reentry Center	9,114,200
College of Western Idaho Nampa Health Sciences Building	10,000,000
Agricultural Research & Extension Service Nuclear Seed Potato Facility	3,000,000
Department of Correction Facility Expansions	<u>1,342,900</u>
TOTAL	\$26,457,100

GRAND TOTAL **\$77,772,000**

SECTION 3. GENERAL FUND CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer \$44,114,200 from the General Fund to the Permanent Building Fund on July 1, 2018, or as soon thereafter as practicable.

SECTION 4. UTILIZATION OF MATCHING FUNDS. It is the intent of the Legislature that the moneys appropriated in this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; and it is further the express intention of the Legislature to authorize the Division of Public Works to expend, for the purpose of paying the cost of any land, building, or equipment, or the rebuilding, renovation, or repair of buildings, moneys appropriated for public works to various agencies as part of the respective agency operating budgets, provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance.

SECTION 5. REALLOCATION OF PROJECT SAVINGS. It is the intent of the Legislature that the Division of Public Works may have the flexibility to allocate any savings or unused appropriation from any project to any other requested and funded project. The reallocation of such appropriation must be approved by the Permanent Building Fund Advisory Council prior to the funds being spent.

SECTION 6. TIMING OF THE USE OF PERMANENT BUILDING FUNDS FOR SPECIFIC PROJECTS. The appropriation of \$10,000,000 for the College of Western Idaho in the Permanent Building Fund shall be expended only after the College of Western Idaho president has secured pledges for the institution's portion of the project costs for the Nampa Health Sciences Building. Verification of such pledges shall be confirmed by a signed attestation letter from the president of the College of Western Idaho to the Division of Public Works in the Department of Administration.

Approved March 27, 2018

CHAPTER 303
(H.B. No. 692)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE TREASURER FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; PROVIDING LEGISLATIVE INTENT REGARDING CONFERENCE-RELATED ACTIVITIES; PROVIDING LEGISLATIVE INTENT REGARDING PAYMENT OF BANK SERVICE FEES; AND PROVIDING LEGISLATIVE INTENT REGARDING MITIGATION OF BANK SERVICE FEES.

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

SECTION 1. There is hereby appropriated to the State Treasurer the following amounts to be expended for the designated expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$903,800	\$520,400	\$1,424,200
State Treasurer LGIP			
Fund	179,800	134,300	314,100
Treasurer's Office - Professional Services			
Fund	620,200	575,300	1,195,500
Idaho Millennium Income			
Fund		80,000	80,000
Abandoned Property Trust - Unclaimed Property			
Fund	<u>788,600</u>	<u>429,700</u>	<u>1,218,300</u>
TOTAL	\$2,492,400	\$1,739,700	\$4,232,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Treasurer is authorized no more than twenty-six (26.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. STATE TREASURER LOCAL GOVERNMENT INVESTMENT POOL (LGIP) FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Treasurer any unexpended and unencumbered balances of moneys in the State Treasurer LGIP Fund as appropriated for fiscal year 2018 to be used for nonrecurring expenditures for the period July 1, 2018, through June 30, 2019.

SECTION 4. CONFERENCE-RELATED ACTIVITIES. It is the intent of the Legislature that no more than \$10,000 from the General Fund, as appropriated in Section 1 of this act, shall be spent on various conference-related activities including, but not limited to, sponsorships, in-kind donations, and information booths. No moneys appropriated in Section 1 of this act from dedicated funds shall be used for conference-related activities unless otherwise provided by Idaho Code; provided, however, that in no event shall more than a total of \$10,000 from any fund source or combination thereof be used for said conference-related activities.

SECTION 5. PAYMENT OF BANK SERVICE FEES. Of the amount appropriated in Section 1 of this act, \$435,900 from the General Fund and \$192,400 from the Professional Services Fund, or so much thereof as is necessary, is to be used solely and only for the payment of bank service fees for the period July 1, 2018, through June 30, 2019.

SECTION 6. MITIGATION OF BANK SERVICE FEES. The State Treasurer shall continue to make all efforts reasonably necessary to reduce bank service fees associated with the State Treasurer's bank accounts including, but not limited to, entering into competitive bidding for bank services. Said fees include, but are not limited to, those associated with processing warrants, merchant services, account maintenance, balance and compensation services, general account services, depository services, paper disbursement services, automated clearinghouse services, electronic data interchange payment services, wire and transfer services, file transmission, client analysis, image retrieval, account reconciliation, and other miscellaneous services. On or before September 1, 2018, the State Treasurer shall report to the Legislature regarding the specific efforts made to reduce bank service fees; the outcomes of those efforts; an estimate of the savings realized, or expected to be realized, as a result of those efforts; and a plan on how the State Treasurer will continue to make all efforts reasonably necessary to reduce bank service fees.

Approved March 27, 2018

CHAPTER 304
(H.B. No. 694)

AN ACT

RELATING TO APPROPRIATIONS; PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS SHALL REVERT TO THE IDAHO MILLENNIUM INCOME FUND AT THE END OF FISCAL YEAR 2019; AND TRANSFERRING ANY REMAINING UNEXPENDED AND UNENCUMBERED BALANCE OF MONEYS IN THE IDAHO MILLENNIUM INCOME FUND TO THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND AT THE END OF FISCAL YEAR 2019.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, on June 30, 2019, or as soon thereafter as practicable, any remaining unexpended and unencumbered balance of moneys appropriated from the Idaho Millennium Income Fund shall be reverted to the Idaho Millennium Income Fund.

SECTION 2. Notwithstanding any other provision of law to the contrary, there is hereby appropriated on June 30, 2019, or as soon thereafter as practicable, and the State Controller, at the request of the State Treasurer, shall transfer any remaining unexpended and unencumbered balance of moneys in the Idaho Millennium Income Fund to the Idaho Millennium Permanent Endowment Fund.

Approved March 27, 2018

CHAPTER 305
(H.B. No. 696)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2019; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE WATER QUALITY PROGRAM FOR FISCAL YEAR 2019.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Environmental Quality for the Water Quality Program \$50,000 from the General Fund to be expended for trustee and benefit payments for the period July 1, 2018, through June 30, 2019, for the purpose of participation in proceedings relating to the Columbia River Basin.

Approved March 27, 2018

CHAPTER 306
(H.B. No. 697)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2019; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE COUNTY AND OUT-OF-STATE PLACEMENT PROGRAM FOR FISCAL YEAR 2019.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Correction for the County and Out-of-State Placement Program \$3,650,000 from the General Fund to be expended for operating expenditures for the period July 1, 2018, through June 30, 2019, for the purpose of county jail per diem increases.

Approved March 27, 2018

CHAPTER 307
(H.B. No. 698)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE STATE HOSPITAL NORTH PROGRAM FOR FISCAL YEAR 2019; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE STATE HOSPITAL SOUTH PROGRAM FOR FISCAL YEAR 2019.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the State Hospital North Program \$32,700 from the Cooperative Welfare (General) Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the State Hospital South Program \$32,700 from the Cooperative Welfare (General) Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019.

Approved March 27, 2018

CHAPTER 308
(H.B. No. 699)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2019; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Idaho State Historical Society the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$2,233,800	\$1,653,100	\$123,900	\$31,600	\$4,042,400
Economic Recovery Reserve					
Fund			127,000		127,000
Miscellaneous Revenue					
Fund	630,700	724,200			1,354,900
Records Management Service					
Fund	156,100	150,400			306,500
Capitol Commission Operating					
Fund	69,000	53,500			122,500
Federal Grant					
Fund	<u>974,400</u>	<u>476,500</u>	<u>0</u>	<u>130,000</u>	<u>1,580,900</u>
TOTAL	\$4,064,000	\$3,057,700	\$250,900	\$161,600	\$7,534,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Historical Society is authorized no more than fifty-five (55.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 27, 2018

CHAPTER 309
(H.B. No. 700)

AN ACT

RELATING TO THE APPROPRIATION TO THE WOLF DEPREDATION CONTROL BOARD FOR FISCAL YEAR 2019; AND APPROPRIATING AND TRANSFERRING MONEYS TO THE WOLF CONTROL FUND FOR FISCAL YEAR 2019.

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

SECTION 1. There is hereby appropriated to the Wolf Depredation Control Board and the State Controller shall transfer \$400,000 from the General Fund to the Wolf Control Fund Other Money Subaccount on July 1, 2018, or as soon thereafter as practicable, for the period July 1, 2018, through June 30, 2019.

Approved March 27, 2018

CHAPTER 310
(H.B. No. 701)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT REGARDING THE WATER-CRAFT INSPECTION PROGRAM.

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

SECTION 1. There is hereby appropriated to the Department of Agriculture the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$819,900	\$459,100			\$1,279,000
Administration and Accounting Services					
Fund	1,140,000	125,100	\$558,800		1,823,900
Facilities Maintenance					
Fund	<u>157,900</u>	<u>173,100</u>	<u>0</u>		<u>331,000</u>
TOTAL	\$2,117,800	\$757,300	\$558,800		\$3,433,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. ANIMAL INDUSTRIES:					
FROM:					
General					
Fund	\$1,741,000	\$237,300	\$33,700		\$2,012,000
Agricultural Inspection					
Fund	38,000	9,700			47,700
Agricultural Fees - Livestock Disease Control					
Fund	612,200	268,600	86,600		967,400
Agricultural Fees - Dairy Inspection					
Fund	1,604,500	433,700	292,500		2,330,700
Agricultural Fees - Egg Inspection					
Fund	163,700	16,000			179,700
Agricultural Fees - Commercial Fisheries					
Fund	5,700	4,200			9,900
Agricultural Fees - Poultry Inspection					
Fund	36,000	17,500			53,500
Seminars and Publications					
Fund		58,300			58,300
Federal Grant					
Fund	<u>341,800</u>	<u>117,300</u>	<u>0</u>	<u>\$38,200</u>	<u>497,300</u>
TOTAL	\$4,542,900	\$1,162,600	\$412,800	\$38,200	\$6,156,500
III. AGRICULTURAL RESOURCES:					
FROM:					
General					
Fund	\$208,900	\$130,700			\$339,600
Agricultural Fees - Pesticides					
Fund	2,061,000	790,100	\$126,800		2,977,900
Federal Grant					
Fund	<u>370,100</u>	<u>118,400</u>	<u>0</u>		<u>488,500</u>
TOTAL	\$2,640,000	\$1,039,200	\$126,800		\$3,806,000
IV. PLANT INDUSTRIES:					
FROM:					
General					
Fund	\$1,515,600	\$965,100		\$3,855,200	\$6,335,900
Agricultural Inspection					
Fund	1,198,900	288,300	\$34,700	111,100	1,633,000
Invasive Species					
Fund	537,000	350,900	33,700	550,000	1,471,600
Agricultural Fees - Commercial Feed and Fertilizer					
Fund	1,190,700	296,300	183,000		1,670,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Agricultural Fees - Honey Advertising					
Fund	400	16,300			16,700
Quality Assurance Laboratory Services					
Fund	349,600	135,200	34,600		519,400
Federal Grant					
Fund	<u>1,258,100</u>	<u>1,096,600</u>	<u>0</u>	<u>956,700</u>	<u>3,311,400</u>
TOTAL	\$6,050,300	\$3,148,700	\$286,000	\$5,473,000	\$14,958,000

V. AGRICULTURAL INSPECTIONS:

FROM:

General

Fund	\$711,500	\$140,100			\$851,600
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Weights and Measures Inspection

Fund	378,700	170,700	\$90,200		639,600
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Agricultural Fees - Organic Food Products

Fund	527,300	106,400	6,200		639,900
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Agricultural Fees - Fresh Fruit and Vegetable Inspection

Fund	<u>7,359,300</u>	<u>2,794,500</u>	<u>115,100</u>		<u>10,268,900</u>
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TOTAL	\$8,976,800	\$3,211,700	\$211,500		\$12,400,000
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VI. MARKET DEVELOPMENT:

FROM:

General

Fund	\$431,000	\$363,400			\$794,400
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Agricultural Inspection

Fund	75,900	70,300	\$3,200		149,400
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Seminars and Publications

Fund		245,600			245,600
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USDA Publications

Fund		24,900			24,900
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Rural Economic Development Integrated Freight Transportation

Fund	9,400	20,000		\$140,000	169,400
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Revolving Loans

Fund	12,300	15,300			27,600
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Federal Grant

Fund	<u>143,700</u>	<u>628,100</u>	<u>0</u>	<u>1,267,500</u>	<u>2,039,300</u>
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TOTAL	\$672,300	\$1,367,600	\$3,200	\$1,407,500	\$3,450,600
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VII. ANIMAL DAMAGE CONTROL:					
FROM:					
General					
Fund		\$4,000		\$160,000	\$164,000
Animal Damage Control					
Fund				100,000	100,000
Agricultural Fees - Sheep and Goat Health					
Fund		<u>7,200</u>		<u>160,200</u>	<u>167,400</u>
TOTAL		\$11,200		\$420,200	\$431,400
VIII. SHEEP AND GOAT HEALTH BOARD:					
FROM:					
General					
Fund	\$70,400				\$70,400
Agricultural Fees - Sheep and Goat Health					
Fund	<u>70,800</u>	<u>\$37,700</u>			<u>108,500</u>
TOTAL	\$141,200	\$37,700			\$178,900
GRAND TOTAL	\$25,141,300	\$10,736,000	\$1,599,100	\$7,338,900	\$44,815,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Agriculture is authorized no more than two hundred seventeen (217.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. WATERCRAFT INSPECTION PROGRAM. It is the intent of the Legislature that the Idaho State Department of Agriculture (ISDA) shall maximize the use of the appropriation provided for the Watercraft Inspection Program to minimize the chances of spreading zebra mussels, quagga mussels, and other aquatic invasive species into Idaho waters. The department is encouraged to use roving inspection stations when appropriate and for expanded hours of coverage during holidays when boat transport traffic is likely to increase. It is also encouraged to use extra staffing on busy holiday weekends. The department shall gather data regarding the number of watercraft that are bypassing the stations and nighttime transport of watercraft across Idaho's borders. Furthermore, it is the intent of the Legislature that ISDA shall seek to secure federal funding to further enhance invasive species detection and prevention efforts. The ISDA shall report back to the Joint Finance-Appropriations Committee, the Senate Agricultural Affairs Committee, and the House Agricultural Affairs Committee, during the 2019 legislative session, regarding the results of the data gathering, attainment of federal funds, and an operational review of the boat stations.

Approved March 27, 2018

CHAPTER 311
(H.B. No. 702)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING CONTINUOUS APPROPRIATION AUTHORITY.

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

SECTION 1. There is hereby appropriated to the Idaho State Lottery from the State Lottery Fund the following amounts to be expended for the designated expense classes for the period July 1, 2018, through June 30, 2019:

FOR:

Personnel Costs	\$3,361,200
Operating Expenditures	2,602,500
Capital Outlay	<u>94,000</u>
TOTAL	\$6,057,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Lottery is authorized no more than forty-five (45.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, 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. It is the intent of the Legislature that 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 under the provisions of Section 67-7428, Idaho Code.

Approved March 27, 2018

CHAPTER 312
(H.B. No. 703)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2019; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Commerce the following amounts to be expended for the designated expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$2,516,200	\$1,027,900	\$6,800	\$2,250,000	\$5,800,900
Idaho Opportunity					
Fund				3,000,000	3,000,000
Indirect Cost Recovery					
Fund	43,000				43,000
Tourism and Promotion					
Fund	826,400	8,390,700	2,300	7,445,800	16,665,200
Miscellaneous Revenue					
Fund		157,500			157,500
Seminars and Publications					
Fund		378,400			378,400
Federal Grant					
Fund	<u>399,100</u>	<u>249,100</u>	<u>0</u>	<u>15,620,800</u>	<u>16,269,000</u>
TOTAL	\$3,784,700	\$10,203,600	\$9,100	\$28,316,600	\$42,314,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Commerce is authorized no more than forty-three (43.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 27, 2018

CHAPTER 313
(H.B. No. 705)

AN ACT

RELATING TO THE APPROPRIATION TO THE SECRETARY OF STATE FOR FISCAL YEAR 2019;
APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2019;
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND
PROVIDING LEGISLATIVE INTENT FOR THE ELECTIONS SYSTEM UPGRADE.

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

SECTION 1. There is hereby appropriated to the Secretary of State the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. SECRETARY OF STATE:			
FROM:			
General			
Fund	\$2,178,200	\$1,537,000	\$3,715,200
Technology Infrastructure Stabilization			
Fund	0	1,200,000	1,200,000
TOTAL	\$2,178,200	\$2,737,000	\$4,915,200
II. COMMISSION ON UNIFORM STATE LAWS:			
FROM:			
General			
Fund		\$48,600	\$48,600
GRAND TOTAL	\$2,178,200	\$2,785,600	\$4,963,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Secretary of State is authorized no more than twenty-nine (29.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. ELECTIONS SYSTEM UPGRADE. It is the intent of the Legislature that the Secretary of State shall provide the Legislative Services Office with the necessary information on the elections system upgrade to allow the Legislature to make informed decisions regarding the amounts appropriated in Section 1 of this act, and any other future funding requests. Information provided shall address the merit, need, cost, compatibility, and maintenance of the elections system upgrade. Further, periodic updates and reports may be requested by the Legislative Services Office from the Secretary of State to be provided to the Joint Finance-Appropriations Committee.

Approved March 27, 2018

CHAPTER 314
(H.B. No. 710)

AN ACT

RELATING TO THE APPROPRIATION TO THE MEDICAL BOARDS FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE MEDICAL BOARDS FOR FISCAL YEAR 2019; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Medical Boards the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. BOARD OF DENTISTRY:				
FROM:				
State Regulatory				
Fund	\$300,900	\$266,300		\$567,200
II. BOARD OF MEDICINE:				
FROM:				
State Regulatory				
Fund	\$1,187,500	\$737,300	\$7,000	\$1,931,800
III. BOARD OF NURSING:				
FROM:				
State Regulatory				
Fund	\$880,900	\$654,000	\$5,600	\$1,540,500
IV. BOARD OF PHARMACY:				
FROM:				
State Regulatory				
Fund	\$1,157,300	\$871,400		\$2,028,700
V. BOARD OF VETERINARY MEDICINE:				
FROM:				
State Regulatory				
Fund	\$181,900	\$215,000	\$1,700	\$398,600
GRAND TOTAL	\$3,708,500	\$2,744,000	\$14,300	\$6,466,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Medical Boards is authorized no more than the number of full-time equivalent positions listed below at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Board of Dentistry	Three and six-tenths (3.60)
Board of Medicine	Sixteen (16.00)
Board of Nursing	Twelve (12.00)
Board of Pharmacy	Fifteen (15.00)
Board of Veterinary Medicine	Two and six-tenths (2.60)

Approved March 27, 2018

CHAPTER 315
(H.B. No. 712)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2018; APPROPRIATING AND TRANSFERRING ADDITIONAL MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT FUND FOR FISCAL YEAR 2018; PROVIDING LEGISLATIVE INTENT REGARDING GRANT APPLICATIONS FROM THE WATER MANAGEMENT FUND; PROVIDING LEGISLATIVE INTENT REGARDING PROJECT PRIORITIZATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. CASH TRANSFER FOR FLOOD MANAGEMENT PROGRAM. There is hereby appropriated and the State Controller shall transfer \$1,000,000 from the General Fund to the Water Management Fund created pursuant to Section 42-1760, Idaho Code, as soon as practicable to be used for flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or flood prevention projects.

SECTION 2. USES OF THE WATER MANAGEMENT FUND. The moneys appropriated and transferred in Section 1 of this act are to be administered by the Idaho Water Resource Board through a competitive, matching grant process. Notwithstanding the provisions of Section 42-1760(2)(b), Idaho Code, grants may be larger than \$50,000 at the discretion of the board.

SECTION 3. PROJECT PRIORITIZATION. It is the intent of the Legislature that the selection process for the grants authorized in Section 2 of this bill shall require the availability of fifty percent (50%) matching funds and that projects shall be given priority on a competitive statewide basis throughout Idaho. The Department of Water Resources staff shall support this competitive grant process using existing personnel and resources.

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 27, 2018

CHAPTER 316
(H.B. No. 713)

AN ACT

RELATING TO THE APPROPRIATION TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE INDUSTRIAL COMMISSION FOR THE CRIME VICTIMS COMPENSATION PROGRAM FOR FISCAL YEAR 2019.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Industrial Commission for the Crime Victims Compensation Program \$300,000 from the General Fund to be expended for trustee and benefit payments for the period July 1, 2018, through June 30, 2019, for the purpose of forensic and medical examinations.

Approved March 27, 2018

CHAPTER 317
(H.B. No. 714)

AN ACT

RELATING TO THE APPROPRIATION TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Executive Office of the Governor the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. ADMINISTRATION - GOVERNOR'S OFFICE:			
FROM:			
General			
Fund	\$1,966,100	\$406,900	\$2,373,000
II. ACTING GOVERNOR PAY:			
FROM:			
General			
Fund	\$18,200		\$18,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
III. EXPENSE ALLOWANCE:			
FROM:			
General			
Fund		\$5,000	\$5,000
IV. GOVERNOR ELECT TRANSITION:			
FROM:			
Economic Recovery Reserve			
Fund	\$25,000		\$25,000
GRAND TOTAL	\$2,009,300	\$411,900	\$2,421,200

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, 2018, through June 30, 2019, 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 2019, 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, 2018, through June 30, 2019. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 27, 2018

CHAPTER 318
(H.B. No. 715)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR A DEDICATED FUND CASH TRANSFER; PROVIDING FOR A GENERAL FUND CASH TRANSFER; DIRECTING INSURANCE PREMIUM HOLIDAYS FOR STATE AGENCIES AND STATE EMPLOYEES; DIRECTING THE ISSUANCE OF A REQUEST FOR PROPOSALS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Administration the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General				
Fund	\$170,000	\$177,700		\$347,700
Permanent Building				
Fund	141,600	100		141,700
Administration and Accounting Services				
Fund	564,800	111,500		676,300
Federal Surplus Property Revolving				
Fund	19,200			19,200
Employee Group Insurance				
Fund	71,400	100		71,500
Retained Risk				
Fund	51,600			51,600
Administrative Code				
Fund	17,800			17,800
Industrial Special Indemnity				
Fund	<u>23,400</u>	<u>0</u>		<u>23,400</u>
TOTAL	\$1,059,800	\$289,400		\$1,349,200
II. ADMINISTRATIVE RULES:				
FROM:				
Administrative Code				
Fund	\$261,100	\$185,500		\$446,600
III. PUBLIC WORKS:				
FROM:				
General				
Fund		\$1,293,100		\$1,293,100
Permanent Building				
Fund	\$2,176,900	453,600	\$64,700	2,695,200
Administration and Accounting Services				
Fund	<u>1,823,300</u>	<u>10,296,300</u>	<u>0</u>	<u>12,119,600</u>
TOTAL	\$4,000,200	\$12,043,000	\$64,700	\$16,107,900
IV. PURCHASING:				
FROM:				
General				
Fund	\$612,100			\$612,100
Administration and Accounting Services				
Fund	1,362,300	\$1,056,600		2,418,900
Federal Surplus Property Revolving				
Fund	<u>184,000</u>	<u>428,900</u>		<u>612,900</u>
TOTAL	\$2,158,400	\$1,485,500		\$3,643,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
V. INSURANCE MANAGEMENT:				
FROM:				
Employee Group Insurance				
Fund	\$425,300	\$421,800		\$847,100
Retained Risk				
Fund	582,600	220,500	\$200,000	1,003,100
Industrial Special Indemnity				
Fund	<u>192,200</u>	<u>108,200</u>	<u>0</u>	<u>300,400</u>
TOTAL	\$1,200,100	\$750,500	\$200,000	\$2,150,600
GRAND TOTAL	\$8,679,600	\$14,753,900	\$264,700	\$23,698,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred thirteen (113.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer \$1,737,500 from the Permanent Building Fund to the Administrative and Accounting Services Fund on July 1, 2018, or as soon thereafter as practicable, for the Public Officials' Capitol Mall Facilities payment in the Division of Public Works due in fiscal year 2019.

SECTION 4. CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer \$13,140,000 from the continuously appropriated Group Insurance Account in the Department of Administration to the General Fund on July 1, 2018, or as soon thereafter as practicable.

SECTION 5. PREMIUM HOLIDAYS. The director of the Department of Administration shall use excess reserves in the continuously appropriated Group Insurance Account in the Department of Administration in fiscal year 2019 for two (2) premium holidays for agencies and two (2) premium holidays for the employees. The Office of Group Insurance shall maintain the current health insurance program structure and benefit package for state employees and shall maintain the employer and employee cost-sharing split recommended by the Governor and the Legislature's Joint Change in Employee Compensation Committee for fiscal year 2019.

SECTION 6. REQUEST FOR PROPOSALS. Notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that, upon passage and approval of this act, and through June 30, 2019, the Department of Administration develop a request for proposals (RFP) for the selection of one (1) or more administrators, including, but not limited to, carriers, third-party administrators (TPAs), and/or vendors, to administer an array of employee health care benefit plans that begin on July 1, 2019, with the goal of reducing long-term costs of health care and providing an enhanced insurance program for state employees and their families, as follows:

(1) The RFP shall be issued in conformance with the recommendations in the Final Report of the 2017 State Employee Group Insurance and Benefits

Legislative Interim Committee (Final Report) and shall consider, but not be limited to, the following:

- (a) Proposals to use the current hybrid fully insured model or a self-funded model, or both;
- (b) Proposals to use as many elements of value-based care and other Final Report recommendations as possible;
- (c) Proposals that provide administrators with any one or any combination of the recommended programs in the Final Report;
- (d) Proposals shall not be limited to statewide proposals but, instead, may include those that offer regional plan arrangements and/or other plan arrangements;
- (e) Proposals that are based on the use of a self-funded model should include an analysis of Chapter 40, Title 41, Idaho Code, and a recommendation as to whether the state should exempt itself from the chapter, as the state exempted all counties in 2001, considering costs, flexibility, potential liability, implementation, and other relevant factors.

(2) The Legislature, or a committee or working group thereof, may review the results and award of the RFP for compliance, fairness, and thoroughness or in any other manner it deems fit. Based upon that review, the Legislature, or a committee or working group thereof, shall make its recommendations to the Joint Finance-Appropriations Committee and the Idaho Legislature during the First Regular Session of the Sixty-fifth Idaho Legislature.

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

Approved March 27, 2018

CHAPTER 319
(H.B. No. 716)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILD WELFARE PROGRAM FOR FISCAL YEAR 2019; PROVIDING LEGISLATIVE INTENT ON THE USE OF CERTAIN FUNDS; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE SUPREME COURT PROGRAM FOR FISCAL YEAR 2019; EXEMPTING THE SUPREME COURT'S APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; APPROPRIATING AND TRANSFERRING ADDITIONAL MONEYS TO THE PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2019; AND PROVIDING LEGISLATIVE INTENT ON HEALTH DISTRICT FUNDING ALLOCATION.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Child Welfare Program \$6,000 from the Cooperative Welfare (General) Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019, for the purposes provided in Senate Bill No. 1341, as enacted by the Second Regular Session of the Sixty-fourth Idaho Legislature.

SECTION 2. CHILD ABUSE PROTECTION TREATMENT ACT FUNDS. It is the intent of the Legislature that a minimum of \$20,000 of federal Child Abuse Protection Treatment Act (CAPTA) funds appropriated to the Department of Health and Welfare shall be provided to the Public Health Districts each year. The moneys received by the Public Health Districts shall not be considered state

aid pursuant to Section 39-425, Idaho Code, nor shall the moneys be allocated through a board of trustees formula pursuant to Section 39-411, Idaho Code. Funds for each Public Health District shall be distributed at one-seventh (1/7) of the total amount, which shall be used for the Citizen Review Panels pursuant to Senate Bill No. 1341, as enacted by the Second Regular Session of the Sixty-fourth Idaho Legislature.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court for the Supreme Court Program \$50,000 from the General Fund to be expended for operating expenditures for the period July 1, 2018, through June 30, 2019, for the purpose of developing and providing trainings for the Citizen Review Panels as provided in Senate Bill No. 1341, as enacted by the Second Regular Session of the Sixty-fourth Idaho Legislature.

SECTION 4. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2019, the Supreme Court is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs for all moneys appropriated to it for the period July 1, 2018, through June 30, 2019. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 5. In addition to any other appropriation provided by law, there is hereby appropriated and the State Controller shall transfer \$32,000 from the General Fund to the Public Health Trust Fund for the Public Health Districts to be expended for the period July 1, 2018, through June 30, 2019, for the purpose of managing and overseeing the Citizen Review Panels pursuant to Senate Bill No. 1341, as enacted by the Second Regular Session of the Sixty-fourth Idaho Legislature.

SECTION 6. PUBLIC HEALTH DISTRICT FUNDING ALLOCATION. It is the intent of the Legislature that the moneys received by the Public Health Districts shall not be considered state aid pursuant to Section 39-425, Idaho Code, nor shall the moneys be allocated through a board of trustees formula pursuant to Section 39-411, Idaho Code. The moneys appropriated in Section 5 of this act shall be distributed to each Public Health District at one-seventh (1/7) of the total amount, which shall be used for the Citizen Review Panels pursuant to Senate Bill No. 1341, as enacted by the Second Regular Session of the Sixty-fourth Idaho Legislature.

Approved March 27, 2018

CHAPTER 320
(H.B. No. 718)

AN ACT

RELATING TO STOCKWATER RIGHTS; AMENDING SECTION 42-501, IDAHO CODE, TO PROVIDE ADDITIONAL LEGISLATIVE INTENT REGARDING CERTAIN STOCKWATER RIGHTS; AMENDING CHAPTER 5, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-503, IDAHO CODE, TO PROVIDE FOR THE FORFEITURE OF CERTAIN STOCKWATER RIGHTS AND TO PROVIDE A PROCEDURE; AMENDING SECTION 42-503, IDAHO CODE, TO CLARIFY THAT IF AN AGENCY OF THE FEDERAL GOVERNMENT ACQUIRES A STOCKWATER RIGHT, THAT RIGHT SHALL NEVER BE UTILIZED FOR ANY PURPOSE OTHER THAN WATERING OF LIVESTOCK UNLESS OTHERWISE APPROVED BY THE STATE AND TO REDESIGNATE THE SECTION; AMENDING SECTION 42-504, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 42-505, IDAHO CODE, TO REDESIGNATE THE SECTION; AND AMENDING SECTION 42-506, IDAHO CODE, TO REDESIGNATE THE SECTION.

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

SECTION 1. That Section 42-501, Idaho Code, be, and the same is hereby amended to read as follows:

42-501. LEGISLATIVE INTENT. In the landmark case of *Joyce Livestock Company v. United States of America*, 144 Idaho 1, 156 P.3d 502 (2007), the Idaho Supreme Court held that an agency of the federal government cannot obtain a stockwater right under Idaho law, unless it actually owns livestock and puts the water to beneficial use.

In *Joyce*, the court held that the United States:

"bases its claim upon the constitutional method of appropriation. That method requires that the appropriator actually apply the water to a beneficial use. Since the United States has not done so, the district court did not err in denying its claimed water rights."

The court also held that federal ownership or management of the land alone does not qualify it for stockwater rights. It opined:

"The United States claimed instream water rights for stock watering based upon its ownership and control of the public lands coupled with the Bureau of Land Management's comprehensive management of public lands under the Taylor Grazing Act...The argument of the United States reflects a misunderstanding of water law...As the United States has held, Congress has severed the ownership of federal lands from the ownership of water rights in nonnavigable waters located on such lands."

The court went on to state:

"Under Idaho Law, a landowner does not own a water right obtained by an appropriator using the land with the landowner's permission unless the appropriator was acting as agent of the owner in obtaining that water right...If the water right was initiated by the lessee, the right is the lessee's property, unless the lessee was acting as the agent of the owner...The Taylor Grazing Act expressly recognizes that ranchers could obtain their own water rights on federal land."

A rancher is not unwittingly acting as an agent of a federal agency simply by grazing livestock on federally managed lands when he files for and receives a stockwater right.

It is the intent of the Legislature to codify and enhance these important points of law from the *Joyce* case to protect Idaho stockwater right holders from encroachment by the federal government in navigable and nonnavigable waters.

Further, in order to comply with the Joyce decision, it is the intent of the Legislature that stockwater rights acquired in a manner contrary to the Joyce decision are subject to forfeiture.

SECTION 2. That Chapter 5, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-503, Idaho Code, and to read as follows:

42-503. FORFEITURE OF CERTAIN STOCKWATER RIGHTS. (1) Within ninety (90) days following the enactment of this section, the director of the department of water resources shall:

(a) Compile a list of all stockwater rights held by any federal agency; and

(b) Submit the list of stockwater rights to the appropriate federal agency.

(2) Following the ninety (90) day period as provided in subsection (1) of this section, the director shall, upon approval by the governor, submit an order to the federal agency identifying the stockwater right or rights held by that federal agency and requiring the federal agency to show cause before the director why the stockwater right or rights should not be lost or forfeited pursuant to section 42-222(2), Idaho Code.

(3) Any order to show cause shall contain the factual and legal basis for the order.

(4) The director shall serve a copy of any order to show cause on the stockwater right owner by personal service or by certified mail. Personal service may be completed by department personnel or a person authorized to serve process under the Idaho rules of civil procedure. Service by certified mail shall be complete upon receipt of the certified mail. If reasonable efforts to personally serve the order fail, or if the certified mail is returned unclaimed, the director may serve the order by publication by publishing a summary of the order once a week for two (2) consecutive weeks in a newspaper of general circulation in the county in which the point of diversion is located. Service by publication shall be complete upon the date of the last publication.

(5) The stockwater right owner shall have a right to an administrative hearing before the director if requested in writing within twenty-one (21) days from completion of service of the order to show cause. The water right is forfeited if the water right owner fails to timely request a hearing.

(6) If the stockwater right owner timely requests a hearing, the hearing shall be in accordance with section 42-1701A, Idaho Code, and the rules of procedure promulgated by the director. If, after the hearing, the director determines that the stockwater right has been lost and forfeited pursuant to section 42-222(2), Idaho Code, the director shall issue an order declaring the stockwater right forfeited. Judicial review of any decision of the director shall be in accordance with section 42-1701A, Idaho Code.

(7) The term "stockwater right owner" as used in this section means the owner of the stockwater right shown in the records of the department of water resources at the time of service of the order to show cause.

(8) This section applies only to stockwater rights decreed to the United States that were based on a claim of beneficial use. It does not apply to stockwater water rights decreed to the United States based on federal law or acquired pursuant to chapter 2, title 42, Idaho Code.

(9) Any forfeiture under this provision shall not prejudice the ability of the current holder of a federal grazing permit or lease to graze livestock on the place of use designated in the forfeited stockwater right from filing a claim pursuant to Idaho law.

SECTION 3. That Section 42-503, Idaho Code, be, and the same is hereby amended to read as follows:

42-5034. LIMITS OF USE. If an agency of the federal government acquires a stockwater right, that stockwater right shall never be utilized for any purpose other than the watering of livestock unless otherwise approved by the state of Idaho pursuant to section 42-222, Idaho Code.

SECTION 4. That Section 42-504, Idaho Code, be, and the same is hereby amended to read as follows:

42-5045. EFFECT OF ILLEGAL CHANGE OF OWNERSHIP OR TRANSFER. Any application for a change in ownership or any application proposing to change the nature of use of a stockwater right that is in violation of the provisions of this chapter shall be denied.

SECTION 5. That Section 42-505, Idaho Code, be, and the same is hereby amended to read as follows:

42-5056. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 6. That Section 42-506, Idaho Code, be, and the same is hereby amended to read as follows:

42-5067. PROVISIONS CONTROLLING OVER OTHER ACTS. Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

Approved March 27, 2018

CHAPTER 321

(S.B. No. 1246, As Amended in the House)

AN ACT

RELATING TO CORRECTIONAL FACILITIES; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 20-237B, IDAHO CODE, TO PROVIDE THAT PRIVATIZED MEDICAL PROVIDERS SHALL MAKE CERTAIN PAYMENTS, TO PROVIDE FOR INPATIENT AND OUTPATIENT HOSPITALIZATIONS AND EMERGENCY SERVICES, TO REVISE TERMINOLOGY, TO PROVIDE CERTAIN CONTRACTUAL REQUIREMENTS AND TO PROVIDE APPLICABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that any amendments to Section 20-237B, Idaho Code, shall not apply retroactively to any hospital medical services or non-hospital medical services provided before the enactment of this act.

SECTION 2. That Section 20-237B, Idaho Code, be, and the same is hereby amended to read as follows:

20-237B. MEDICAL COSTS OF STATE PRISONERS HOUSED IN CORRECTIONAL FACILITIES. (1) The state board of correction or any privatized medical provider under contract with the department of correction shall pay to a provider of a medical service, other than hospital inpatient or outpatient

services, for any and all prisoners, committed to the custody of the department of correction, confined in a correctional facility, as defined in section 18-101A(1), Idaho Code, an amount no greater than equal to the reimbursement rates applicable based on of the Idaho medicaid reimbursement rate fee schedule in place at the time services are provided. Hospitals shall be paid for inpatient and outpatient facility services provided to such prisoners in an amount equal to the interim Idaho medicaid rates in place at the time of service except for outpatient services paid by Idaho medicaid according to the Idaho medicaid fee schedule. This These limitations applies apply to all medical care services provided outside the facility, including inpatient and outpatient hospitalizations, emergency services, professional services, durable and nondurable goods, prescription drugs and medications provided to any and all prisoners confined in a correctional facility, as defined in section 18-101A(1), Idaho Code. For required services that are not included in the Idaho medicaid reimbursement fee schedule or the interim Idaho medicaid rates, the state board of correction or any privatized medical provider under contract with the department of correction shall pay the reasonable value of such service. If a privatized medical provider is contracted with the department of correction, no hospital or any medical services provider shall be required to provide medical services to prisoners, except for emergency hospital services, in the absence of a contract between the privatized medical provider and the hospital or medical services provider. Any contract between the department of correction and a privatized medical provider must contain a requirement that the privatized medical provider enter into contracts with each hospital providing non-emergency services outside of the correctional facility. The contract between the privatized medical provider and the department of correction shall require, and the contracts between the privatized medical provider and any hospital or non-hospital providers shall include, at least the following terms reasonably and practicably consistent with those used by Idaho medicaid:

- (a) Claims adjudication processing;
- (b) Timing;
- (c) Payment;
- (d) Authorizations;
- (e) Utilization review;
- (f) Audit; and
- (g) Appeals processes.

(2) For the purposes of sSubsection (1) of this section, the term "provider of a medical service" shall include apply only to companies, professional associations and other health care service entities whose services are billed directly to the department of correction or any privatized medical provider under contract with the department of correction. The term "provider of a medical service" Subsection (1) of this section shall exclude not apply to:

- (a) Privatized correctional medical providers under contract with the department of correction to provide health care to prison inmates;
- (b) Private prison companies;
- (c) Out-of-state correctional facilities contracting with the department of correction to house prisoners;
- (d) County jails; and
- (e) Companies, professional associations and other health care service entities whose services are provided within the terms of agreements with privatized correctional medical providers under contract with the department of correction, private prison companies and county jails.

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 27, 2018

CHAPTER 322
(S.B. No. 1269)

AN ACT

RELATING TO BATTERY; AMENDING CHAPTER 9, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-924, IDAHO CODE, TO PROVIDE FOR THE CRIME OF SEXUAL BATTERY, TO DEFINE A TERM AND TO PROVIDE A PUNISHMENT; AMENDING CHAPTER 9, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-925, IDAHO CODE, TO PROVIDE FOR THE CRIME OF AGGRAVATED SEXUAL BATTERY AND TO PROVIDE A PUNISHMENT; AND AMENDING SECTION 18-8304, IDAHO CODE, TO PROVIDE THAT THE SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY RIGHT-TO-KNOW ACT SHALL APPLY TO ANY PERSON WHO COMMITS AGGRAVATED SEXUAL BATTERY AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Chapter 9, 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 18-924, Idaho Code, and to read as follows:

18-924. SEXUAL BATTERY. (1) Sexual battery is any willful physical contact, over or under the clothing, with the intimate parts of any person, when the physical contact is done without consent and with the intent to degrade, humiliate or demean the person touched or with the intent of arousing, appealing to or gratifying the lust, passion or sexual desires of the actor or any other person. For purposes of this section, "intimate parts" means the genital area, groin, inner thighs, buttocks or breasts.

(2) Sexual battery is a misdemeanor and shall be punishable by up to one (1) year in jail, or a fine of up to two thousand dollars (\$2,000), or both.

SECTION 2. That Chapter 9, 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 18-925, Idaho Code, and to read as follows:

18-925. AGGRAVATED SEXUAL BATTERY. (1) Aggravated sexual battery is sexual battery as defined in section 18-924, Idaho Code, when the forbidden contact occurs under the circumstances described in section 18-907, Idaho Code.

(2) Aggravated sexual battery is a felony and shall be punishable by imprisonment in the state prison for a period not to exceed twenty (20) years.

SECTION 3. 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 (incest), 18-6605 (crime against nature), 18-6608 (forcible sexual penetration by use of a foreign object), 18-6609 (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) (sex trafficking), Idaho Code, ~~(sex trafficking)~~.

(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 or who has a foreign conviction that is substantially equivalent to the offenses listed in paragraph (a) 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, that is substantially equivalent to the offenses listed in paragraph (a) 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.

(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.

Approved March 27, 2018

CHAPTER 323
(S.B. No. 1270, As Amended)

AN ACT

RELATING TO FORCIBLE PENETRATION; AMENDING SECTION 18-6608, IDAHO CODE, TO REVISE THE CONDITIONS FOR COMMITTING THE CRIME OF FORCIBLE PENETRATION BY A FOREIGN OBJECT AND TO PROVIDE EXCEPTIONS.

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

SECTION 1. That Section 18-6608, Idaho Code, be, and the same is hereby amended to read as follows:

18-6608. FORCIBLE SEXUAL PENETRATION BY USE OF FOREIGN OBJECT. Every person who, ~~for the purpose of sexual arousal, gratification or abuse,~~ willfully causes the penetration, however slight, of the genital or anal opening of another person, by any object, instrument or device:

(1) Against the victim's will by:

(a) Use of force or violence; or

(b) Duress; or

(c) Threats of immediate and great bodily harm, accompanied by apparent power of execution; or

(2) Where the victim is incapable, through any unsoundness of mind, whether temporary or permanent, of giving legal consent; or

(3) Where the victim is prevented from resistance by any intoxicating, narcotic or anesthetic substance; or

(4) Where the victim is at the time unconscious of the nature of the act because the victim:

(a) Was unconscious or asleep; or

(b) Was not aware, knowing, perceiving or cognizant that the act occurred;

shall be guilty of a felony and shall be punished by imprisonment in the state prison for not more than life.

The provisions of this section shall not apply to bona fide medical, health care or hygiene procedures.

Approved March 27, 2018

CHAPTER 324
(S.B. No. 1284, As Amended in the House)

AN ACT

RELATING TO BOOTING OF MOTOR VEHICLES; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 49-103, IDAHO CODE, TO DEFINE THE TERM "BOOT"; AMENDING SECTION 49-229, IDAHO CODE, TO PROVIDE ADDITIONAL CIRCUMSTANCES WHEN A VEHICLE MAY BE INJURED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-1806, IDAHO CODE, TO PROVIDE FOR BOOTING OF UNAUTHORIZED VEHICLES ON PRIVATE PROPERTY; AMENDING SECTION 49-1812, IDAHO CODE, TO PROVIDE FOR CLAIMING OF BOOTED VEHICLES; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature, as immobilization of motor vehicles by booting in the state of Idaho vitally affects the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate those who operate motor vehicle booting businesses in Idaho by local government, in order to prevent frauds, impositions, and other abuses upon its citizens. The Legislature finds it necessary to allow local governments to establish minimum consumer protection standards as well as remedies for motorists who suffer property damage as a result of having their motor vehicles booted or who claim to have been wrongfully booted.

SECTION 2. That Section 49-103, Idaho Code, be, and the same is hereby amended to read as follows:

49-103. DEFINITIONS -- B. (1) "Bicycle" means every vehicle propelled exclusively by human power upon which any person may ride, having two (2) tandem wheels, and except scooters and similar devices.

(2) "Board" means the Idaho transportation board.

(3) "Boat transporter" means any vehicle combination designed and used specifically to transport assembled boats and boat hulls.

(4) "Boot" means a device used by a towing company or other entity to temporarily immobilize or disable a motor vehicle for purposes of enforcing parking restrictions.

(5) "Broker" means a person who, for a fee, commission, or other valuable consideration, arranges or offers to arrange a transaction involving the sale, but not resale, of a new vehicle, and who is not:

(a) A representative or an agent or employee of a representative;

(b) A distributor, agent or employee of a distributor; or

(c) At any point in the transaction, the owner of the vehicle involved in the transaction.

(56) "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "bus" under the provisions of this title relating to equipment requirements, rules of the road, or registration.

(67) "Business district." (See "District", section 49-105, Idaho Code)

(78) "Buy." (See "Sell", "sold", and "purchase", section 49-120, Idaho Code)

SECTION 3. That Section 49-229, Idaho Code, be, and the same is hereby amended to read as follows:

49-229. INJURING VEHICLE. Except as authorized by section 49-1806, Idaho Code, ~~a~~Any person who shall individually, or in association with one (1) or more others, wilfully willfully break, injure, tamper with or remove any part or parts of any vehicle for the purpose of injuring, defacing or destroying the vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of the vehicle, or who shall in any other manner wilfully willfully or maliciously interfere with or prevent the running or operation of the vehicle shall be guilty of a misdemeanor.

SECTION 4. That Section 49-1806, Idaho Code, be, and the same is hereby amended to read as follows:

49-1806. REMOVAL -- BOOTING OF UNAUTHORIZED AND ABANDONED VEHICLE FROM REAL PROPERTY. (1) Any person having possession or control of real property who finds an unauthorized vehicle standing upon his property is permitted to have the vehicle removed or booted if there is posted on or near the property in a clearly conspicuous location, in large print, a sign or notice that unauthorized vehicles will be removed or booted at the owner's expense and designating the name of the towing firm. Unauthorized vehicles need not meet the provision of section 49-102(2), Idaho Code, in this instance.

(2) Any person having possession or control of real property who finds an abandoned vehicle standing on his property, where the property is not posted as set out in subsection (1) of this section, may contact an authorized officer, who must in turn comply with the provisions of section 49-1804, Idaho Code, in accomplishing the removal of the vehicle except under those circumstances set out in subsection (3) of this section.

(3) Where access into or out of private property or substantial interference with the use and enjoyment of private property is created by an unauthorized or abandoned vehicle being parked or otherwise left on private property, the person owning or controlling the property may contact an authorized officer who may, without regard for the provisions of section 49-1804, Idaho Code, immediately proceed to have the vehicle removed to a garage or nearest place of safety. All other provisions of this chapter shall be complied with.

SECTION 5. That Section 49-1812, Idaho Code, be, and the same is hereby amended to read as follows:

49-1812. CLAIMING OF VEHICLES. (1) The owner of any vehicle removed or booted under the provisions of this chapter except those vehicles impounded for investigation or suspected stolen, may take possession of the vehicle at any time prior to sale by proving ownership and paying the costs relative to towing and storing or booting the vehicle and costs of advertising except as otherwise provided in section 49-1805, Idaho Code.

(2) A lienholder of any vehicle removed or booted under the provisions of this chapter except those vehicles impounded for investigation or suspected stolen, may take possession of the vehicle at any time prior to the sale by proving the presence of the lien and by paying the costs relative to towing and storing the vehicle and costs of advertising. The lienholder may also take possession of the vehicle by purchasing the vehicle at the sale. Nothing in this chapter shall be construed to abate any cause of action that a lienholder has against the owner of an abandoned vehicle.

(3) Any insurer having a claim made against it pertaining to any vehicle removed or booted under the provisions of this chapter, except those vehi-

cles impounded for investigation or suspected stolen, may take possession of the vehicle at any time prior to the settlement of such claim following determination by such insurer that the vehicle has been determined by such insurer to be a total loss, obtaining verbal consent of the owner and by paying the lawfully entitled costs relative to towing and storing the vehicle. The insurer holding facility shall allow access to the vehicle owner or their representative upon the vehicle owner or their representative providing evidence of ownership. Personal property unrelated to the vehicle must be returned to the vehicle owner in conformance with section 49-1809(2), Idaho Code. If no total loss settlement is reached, the insurer shall return the vehicle to a mutually agreed upon location. Any holding facility that releases a vehicle consistent with the provisions of this subsection shall be held harmless for the release of such vehicle. The insurer shall provide the location and telephone number of the insurer holding facility to the vehicle owner or their representative.

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 27, 2018

CHAPTER 325
(S.B. No. 1363)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE SUPREME COURT PROGRAM FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE COURT OF APPEALS PROGRAM FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE DISTRICT COURTS PROGRAM FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE MAGISTRATE DIVISION PROGRAM FOR FISCAL YEAR 2019; AND EXEMPTING THE SUPREME COURT'S APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court for the Supreme Court Program \$38,900 from the General Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019, for the purpose of judicial salaries.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court for the Court of Appeals Program \$24,500 from the General Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019, for the purpose of judicial salaries.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court for the District Courts Program \$275,800 from the General Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019, for the purpose of judicial salaries.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court for the Magistrate Division Program \$417,300 from the General Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019, for the purpose of judicial salaries.

SECTION 5. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2019, the Supreme Court is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs for all moneys appropriated to it for the period July 1, 2018, through June 30, 2019. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 27, 2018

CHAPTER 326
(S.B. No. 1365)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2019; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Labor the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. UNEMPLOYMENT INSURANCE ADMINISTRATION:					
FROM:					
Unemployment Penalty and Interest					
Fund	\$1,919,700	\$2,111,000			\$4,030,700
Miscellaneous Revenue					
Fund	2,223,800	4,223,300			6,447,100
Federal Grant					
Fund	<u>20,521,500</u>	<u>1,415,100</u>	<u>\$487,000</u>	<u>\$500,000</u>	<u>22,923,600</u>
TOTAL	\$24,665,000	\$7,749,400	\$487,000	\$500,000	\$33,401,400

II. EMPLOYMENT SERVICES:

FROM:

Unemployment Penalty and Interest

Fund	\$1,334,600	\$425,200	\$707,500		\$2,467,300
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Employment Security Special Administration

Fund	367,500	2,318,600			2,686,100
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue					
Fund	377,900	212,300			590,200
Federal Grant					
Fund	<u>24,776,600</u>	<u>8,891,000</u>	<u>0</u>	<u>\$11,000,000</u>	<u>44,667,600</u>
TOTAL	\$26,856,600	\$11,847,100	\$707,500	\$11,000,000	\$50,411,200
III. WAGE AND HOUR:					
FROM:					
General					
Fund	\$277,400	\$64,800			\$342,200
Unemployment Penalty and Interest					
Fund	222,200	72,200			294,400
Miscellaneous Revenue					
Fund	<u>0</u>	<u>10,600</u>			<u>10,600</u>
TOTAL	\$499,600	\$147,600			\$647,200
IV. HUMAN RIGHTS COMMISSION:					
FROM:					
Unemployment Penalty and Interest					
Fund		\$187,300			\$187,300
Employment Security Special Administration					
Fund	\$750,600				750,600
Miscellaneous Revenue					
Fund		700			700
Federal Grant					
Fund	<u>0</u>	<u>233,300</u>			<u>233,300</u>
TOTAL	\$750,600	\$421,300			\$1,171,900
V. SERVE IDAHO:					
FROM:					
Unemployment Penalty and Interest					
Fund	\$43,400	\$36,700			\$80,100
Miscellaneous Revenue					
Fund		56,400			56,400
Federal Grant					
Fund	<u>209,800</u>	<u>248,300</u>		<u>\$2,050,000</u>	<u>2,508,100</u>
TOTAL	\$253,200	\$341,400		\$2,050,000	\$2,644,600
GRAND TOTAL	\$53,025,000	\$20,506,800	\$1,194,500	\$13,550,000	\$88,276,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Labor is authorized no more than six hundred eighty-one and fifty-eight hundredths (681.58) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 27, 2018

CHAPTER 327
(S.B. No. 1370)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2019.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Defense Commission \$10,000 from the General Fund to be expended for operating expenditures for the period July 1, 2018, through June 30, 2019.

Approved March 27, 2018

CHAPTER 328
(S.B. No. 1371)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR THE ADMINISTRATION - GOVERNOR'S OFFICE PROGRAM FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE SECRETARY OF STATE FOR THE SECRETARY OF STATE PROGRAM FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE STATE CONTROLLER FOR THE ADMINISTRATION PROGRAM FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE STATE DEPARTMENT OF EDUCATION PROGRAM FOR FISCAL YEAR 2019; AND APPROPRIATING ADDITIONAL MONEYS TO THE ATTORNEY GENERAL FOR THE STATE LEGAL SERVICES PROGRAM FOR FISCAL YEAR 2019.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Executive Office of the Governor for the Administration - Governor's Office Program \$7,300 from the General Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019, for the purpose of the Governor's salary.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Lieutenant Governor \$2,500 from the General Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019, for the purpose of the Lieutenant Governor's salary.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Secretary of State for the Secretary of State Program \$6,200 from the General Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019, for the purpose of the Secretary of State's salary.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the State Controller for the Administration Program \$6,200 from the General Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019, for the purpose of the State Controller's salary.

SECTION 5. In addition to any other appropriation provided by law, there is hereby appropriated to the State Treasurer \$6,200 from the General Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019, for the purpose of the State Treasurer's salary.

SECTION 6. In addition to any other appropriation provided by law, there is hereby appropriated to the Superintendent of Public Instruction for the State Department of Education Program \$6,200 from the General Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019, for the purpose of the Superintendent of Public Instruction's salary.

SECTION 7. In addition to any other appropriation provided by law, there is hereby appropriated to the Attorney General for the State Legal Services Program \$6,000 from the General Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019, for the purpose of the Attorney General's salary.

Approved March 27, 2018

CHAPTER 329
(S.B. No. 1372)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2019; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the State Liquor Division from the Liquor Control Fund the following amounts to be expended for the designated expense classes for the period July 1, 2018, through June 30, 2019:

FOR:

Personnel Costs	\$13,786,700
Operating Expenditures	6,694,500
Capital Outlay	<u>929,700</u>
TOTAL	\$21,410,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Liquor Division is authorized no more than two hundred twenty-nine (229.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 27, 2018

CHAPTER 330
(S.B. No. 1373)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE CONTROLLER FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICE COSTS TO THE INDIRECT COST RECOVERY FUND; AND PROVIDING CERTAIN DEDICATED FUND REAPPROPRIATION AUTHORITY.

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

SECTION 1. There is hereby appropriated to the State Controller the following amounts to be expended for the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. ADMINISTRATION:				
FROM:				
General				
Fund	\$600,200	\$124,000	\$9,300	\$733,500
II. STATEWIDE ACCOUNTING:				
FROM:				
General				
Fund	\$1,750,500	\$3,976,000	\$4,200	\$5,730,700
Miscellaneous Revenue				
Fund	<u>0</u>	<u>5,000</u>	<u>0</u>	<u>5,000</u>
TOTAL	\$1,750,500	\$3,981,000	\$4,200	\$5,735,700
III. STATEWIDE PAYROLL:				
FROM:				
General				
Fund	\$1,517,700	\$2,949,300	\$13,800	\$4,480,800
Miscellaneous Revenue				
Fund	<u>0</u>	<u>5,000</u>	<u>0</u>	<u>5,000</u>
TOTAL	\$1,517,700	\$2,954,300	\$13,800	\$4,485,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
IV. COMPUTER CENTER:				
FROM:				
Data Processing Services				
Fund	\$4,971,800	\$2,851,700	\$33,000	\$7,856,500
GRAND TOTAL	\$8,840,200	\$9,911,000	\$60,300	\$18,811,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Controller is authorized no more than ninety-five (95.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. INDIRECT COST RECOVERY. The moneys assessed by the Division of Financial Management in accordance with Section 67-3531, Idaho Code, for State Controller services shall be placed in the Indirect Cost Recovery Fund.

SECTION 4. DEDICATED FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Controller any unexpended and unencumbered balances appropriated or reappropriated to the State Controller for the Computer Service Center Program for fiscal year 2018 to be used for nonrecurring expenditures in that program for the period July 1, 2018, through June 30, 2019.

Approved March 27, 2018

CHAPTER 331
(S.B. No. 1374)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2019; PROVIDING FOR A CASH TRANSFER FROM THE COOPERATIVE WELFARE (GENERAL) FUND TO THE RURAL PHYSICIANS INCENTIVE FUND FOR FISCAL YEAR 2019; AND REQUIRING A REPORT ON THE USE OF CERTAIN FUNDS.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Physical Health Services Program \$640,000 from the Cooperative Welfare (General) Fund to be expended for trustee and benefit payments for the period July 1, 2018, through June 30, 2019, for the purpose of providing state matching funds for student contributions.

SECTION 2. CASH TRANSFER. Of the amount appropriated in Section 1 of this act from the Cooperative Welfare (General) Fund, there is hereby appropriated and the State Controller shall transfer \$640,000 to the Rural Physician Incentive Fund on July 15, 2018, or as soon thereafter as practicable, for the Department of Health and Welfare for the period July 1, 2018, through June 30, 2019.

SECTION 3. REPORTING. The Department of Health and Welfare shall evaluate and report on the use of moneys appropriated in this act to the Legislative Services Office no later than December 31, 2018.

Approved March 27, 2018

CHAPTER 332
(S.B. No. 1376)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE BASIC MEDICAID PLAN PROGRAM FOR FISCAL YEAR 2019.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Basic Medicaid Plan Program the following amounts to be expended for trustee and benefit payments from the listed funds for the period July 1, 2018, through June 30, 2019:

Cooperative Welfare (General) Fund	\$1,100,000
Cooperative Welfare (Federal) Fund	<u>2,700,000</u>
Total	\$3,800,000

Approved March 27, 2018

CHAPTER 333
(S.B. No. 1377)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR THE PATROL PROGRAM FOR FISCAL YEAR 2019.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho State Police for the Patrol Program \$394,000 from the Miscellaneous Revenue Fund to be expended for personnel costs for the period July 1, 2018, through June 30, 2019, for the purpose of watercraft inspection stations.

Approved March 27, 2018

CHAPTER 334
(S.B. No. 1378)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE WATER QUALITY PROGRAM FOR FISCAL YEAR 2019.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Environmental Quality for the Water Quality Program \$290,000 from the Economic Recovery Reserve Fund to be expended for trustee and benefit payments for the period July 1, 2018, through June 30, 2019, for the purpose of agricultural Best Management Practices.

Approved March 27, 2018

CHAPTER 335
(S.B. No. 1379)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2019; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of Information Technology Services the following amounts to be expended for the designated expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$906,900	\$687,500		\$1,594,400
Administration and Accounting Services				
Fund	1,892,300	1,195,500		3,087,800
Technology Infrastructure Stabilization				
Fund	<u>0</u>	<u>461,000</u>	<u>\$727,000</u>	<u>1,188,000</u>
TOTAL	\$2,799,200	\$2,344,000	\$727,000	\$5,870,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Information Technology Services is authorized no more than thirty (30.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 27, 2018

CHAPTER 336
(S.B. No. 1380)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AMENDING SECTION 63-102, IDAHO CODE, TO INCREASE THE SALARIES OF THE STATE TAX COMMISSIONERS; AND PROVIDING REAPPROPRIATION AUTHORITY FOR COSTS ASSOCIATED WITH MOVING.

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

SECTION 1. There is hereby appropriated to the State Tax Commission the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. GENERAL SERVICES:				
FROM:				
General				
Fund	\$5,874,600	\$4,459,200	\$23,000	\$10,356,800
Multistate Tax Compact				
Fund	102,200	497,800	9,500	609,500
Administration and Accounting				
Fund	37,100	28,200	2,500	67,800
Administration Services for Transportation				
Fund	520,500	685,900	12,000	1,218,400
Seminars and Publications				
Fund	<u>0</u>	<u>19,100</u>	<u>0</u>	<u>19,100</u>
TOTAL	\$6,534,400	\$5,690,200	\$47,000	\$12,271,600
II. AUDIT DIVISION:				
FROM:				
General				
Fund	\$7,603,900	\$1,074,600		\$8,678,500
Multistate Tax Compact				
Fund	1,522,300	483,700		2,006,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Administration and Accounting				
Fund	14,400	24,400		38,800
Administration Services for Transportation				
Fund	1,757,200	345,500		2,102,700
Federal Grant				
Fund	<u>0</u>	<u>8,000</u>		<u>8,000</u>
TOTAL	\$10,897,800	\$1,936,200		\$12,834,000

III. COLLECTIONS DIVISION:

FROM:

General

Fund	\$6,456,000	\$997,900		\$7,453,900
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Administration Services for Transportation

Fund	<u>197,900</u>	<u>23,500</u>		<u>221,400</u>
TOTAL	\$6,653,900	\$1,021,400		\$7,675,300

IV. REVENUE OPERATIONS:

FROM:

General

Fund	\$4,078,800	\$1,846,800	\$50,000	\$5,975,600
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Multistate Tax Compact

Fund		16,500		16,500
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Administration and Accounting

Fund	87,200	79,100		166,300
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Administration Services for Transportation

Fund	646,800	279,300	27,300	953,400
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Seminars and Publications

Fund	<u>0</u>	<u>26,400</u>	<u>0</u>	<u>26,400</u>
TOTAL	\$4,812,800	\$2,248,100	\$77,300	\$7,138,200

V. PROPERTY TAX:

FROM:

General

Fund	\$3,263,900	\$425,900		\$3,689,800
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Seminars and Publications

Fund	<u>0</u>	<u>131,000</u>	<u>\$10,300</u>	<u>141,300</u>
TOTAL	\$3,263,900	\$556,900	\$10,300	\$3,831,100

GRAND TOTAL	\$32,162,800	\$11,452,800	\$134,600	\$43,750,200
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SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Tax Commission is authorized no more than four hundred fifty-nine (459.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. That Section 63-102, Idaho Code, be, and the same is hereby amended to read as follows:

63-102. ORGANIZATION -- CHAIRMAN -- COMPENSATION -- QUORUM -- HEARINGS. (1) A member of the state tax commission shall be appointed by the governor, to serve at his pleasure, as chairman. Each member of the state tax commission shall devote full time to the performance of duties. Commencing on July 1, 2017~~8~~, the annual salary for members of the state tax commission shall be ~~ninety-six~~nine thousand ~~one hundred ninety-one~~ seventy-seven dollars (\$~~96,191~~99,077).

(2) A majority of the state tax commission shall constitute a quorum for the transaction of business. The state tax commission may delegate to any member of the commission or to its employees, the power to make investigations and hold hearings at any place it may deem proper, and such other matters as will facilitate the operations of the commission.

(3) The chairman of the state tax commission shall delegate to each commissioner the responsibility for policy management and oversight of one (1) or more of the taxes collected and/or activities supervised or administered by the commission. The state tax commission shall perform the duties imposed upon it by law and shall adopt all rules by majority decision.

In any case in which the state tax commission sits as an appellate body upon an appeal from a tax decision from one (1) of the various administrative units subject to its supervision, the state tax commissioner charged with responsibility for policy management and oversight of the tax in controversy shall not vote upon the appeal but may advise the remaining members of the commission on the technical aspects of the problems before them.

(4) The chairman shall be the chief executive officer and administrative head of the state tax commission and shall be responsible for, or may assign responsibility for, all personnel, budgetary and/or fiscal matters of the state tax commission.

SECTION 4. REAPPROPRIATION AUTHORITY FOR MOVING EXPENSES. There is hereby reappropriated to the State Tax Commission any unexpended and unencumbered balances appropriated or reappropriated to the State Tax Commission from the General Fund for moving expenses for fiscal year 2018, in an amount not to exceed \$2,000,000, to be used for nonrecurring expenditures related to moving for the period July 1, 2018, through June 30, 2019.

Approved March 27, 2018

CHAPTER 337
(S.B. No. 1381)

AN ACT

RELATING TO THE APPROPRIATION TO THE WORKFORCE DEVELOPMENT COUNCIL FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE WORKFORCE DEVELOPMENT COUNCIL FOR FISCAL YEAR 2019; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Workforce Development Council the following amounts to be expended for the designated expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
Workforce Development Training				
Fund	\$379,300	\$346,900	\$7,684,500	\$8,410,700
Federal Grant				
Fund	<u>92,400</u>	<u>50,000</u>	<u>0</u>	<u>142,400</u>
TOTAL	\$471,700	\$396,900	\$7,684,500	\$8,553,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Workforce Development Council is authorized no more than five (5.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 27, 2018

CHAPTER 338

(H.B. No. 547, As Amended in the Senate)

AN ACT

RELATING TO BUILDING CODES; AMENDING SECTION 39-4109, IDAHO CODE, TO REMOVE REFERENCE TO PART IV OF THE INCORPORATED IDAHO RESIDENTIAL CODE AND TO PROVIDE REFERENCES TO THE IDAHO BUILDING CODE; AMENDING SECTION 39-4116, IDAHO CODE, TO REVISE PROVISIONS REGARDING LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES; PROVIDING NON-RETROACTIVITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-4109, Idaho Code, be, and the same is hereby amended to read as follows:

39-4109. APPLICATION OF CODES. (1) The following codes are hereby adopted for the state of Idaho division of building safety and shall only be applied by local governments as prescribed by section 39-4116, Idaho Code:

(a) The 2006 International Building Code shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process as established in section 67-5221, Idaho Code, and as further provided in subsection (5) of this section and in accordance with subsections (2) and (3) of this section shall be in effect:

(i) Including appendices thereto pertaining to building accessibility;

(ii) Excluding the incorporated electrical codes, mechanical code, fuel gas code, plumbing codes, fire codes or property maintenance codes other than specifically referenced subjects or sections of the International Fire Code; and

(iii) Including the incorporated Idaho residential code, parts I, II, III, ~~IV~~ and IX; Idaho energy conservation code; and rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the fair housing act accessibility guidelines shall be included.

(b) The version of the International Residential Code adopted by the Idaho building code board, together with the amendments, revisions or modifications adopted by the Idaho building code board through the negotiated rulemaking process, except for parts IV, V, VI, VII and VIII, as they pertain to energy conservation, mechanical, fuel gas, plumbing and electrical requirements, shall collectively constitute and be named the Idaho residential code. The Idaho residential code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent version of the Idaho residential code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions or modifications made to the Idaho residential code by the board shall be made by administrative rules promulgated by the board;

(c) The version of the International Energy Conservation Code adopted by the Idaho building code board, together with the amendments, deletions or additions adopted by the Idaho building code board through the negotiated rulemaking process provided in this chapter, shall be in effect. The International Energy Conservation Code, together with any

amendments, revisions or modifications made by the board, shall collectively constitute and be named the Idaho energy conservation code. The Idaho energy conservation code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the Idaho energy conservation code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions or modifications made to the Idaho energy conservation code by the board shall be made by administrative rules promulgated by the board; and

(d) The 2006 International Existing Building Code as published by the International Code Council shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Existing Building Code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect.

(2) No amendments to the accessibility guidelines shall be made by the Idaho building code board that provide for lower standards of accessibility than those published by the International Code Council.

(3) No amendments to the Idaho residential building code shall be made by the Idaho building code board that provide for standards that are more restrictive than those published by the International Code Council.

(4) Any edition of the building codes adopted by the board will take effect on January 1 of the year following its adoption.

(5) In addition to the negotiated rulemaking process set forth in section 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public hearings, not less than sixty (60) days apart. Express written notice of such public hearings shall be given by the board to each of the following entities not less than five (5) days prior to such hearing: associated general contractors of America, associated builders and contractors, association of Idaho cities, Idaho association of building officials, Idaho association of counties, Idaho association of REALTORS®, Idaho building contractors association, American institute of architects Idaho chapter, Idaho fire chiefs association, Idaho society of professional engineers, Idaho state independent living council, southwest Idaho building trades, Idaho building trades, and any other entity that, through electronic or written communication received by the administrator not less than twenty (20) days prior to such scheduled meeting, requests written notification of such public hearings.

SECTION 2. That Section 39-4116, Idaho Code, be, and the same is hereby amended to read as follows:

39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES. (1) Local governments enforcing building codes shall do so only in compliance with the provisions of this section. Local governments that have not previously instituted and implemented a code enforcement program prior to the effective date of this act may elect to implement a building code enforcement program by passing an ordinance evidencing the intent to do so. Local governments may contract with a public or private entity to administer their building code enforcement program.

(2) Local governments that issue building permits and perform building code enforcement activities shall, by ordinance effective January 1 of the year following the adoption by the Idaho building code board, adopt the following codes as published by the International Code Council together with any amendments or revisions set forth in section 39-4109, Idaho Code, including subsequent versions of the International Building Code as adopted

and amended by the Idaho building code board through the negotiated rulemaking process provided in this chapter:

- (a) International Building Code, including all rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;
- (b) Idaho residential code, parts I-~~IV~~III and IX; and
- (c) Idaho energy conservation code.

Local governments are not required by this chapter to adopt the other referenced codes in the International Building Code. Local jurisdictions shall not adopt provisions, chapters, sections or parts of subsequent versions of the International Residential Code or residential provisions of the International Energy Conservation Code, or subsequent versions in their entirety, that have not been adopted by the Idaho building code board except as provided in subsection (4) of this section.

(3) All single family homes and multiple family dwellings up to two (2) units are hereby exempted from the provisions of the International Fire Code, the International Building Code and the Idaho residential code that require such dwellings to have automatic fire sprinkler systems installed. Nothing in this section shall prevent any person from voluntarily installing an automatic fire sprinkler system in any residential dwelling.

(4) Except as provided in this subsection, local governments may amend by ordinance the adopted codes or provisions of referenced codes to reflect local concerns, provided such amendments establish at least an equivalent level of protection to that of the adopted building code. A local jurisdiction shall not have the authority to amend any accessibility provision pursuant to section 39-4109, Idaho Code, except as provided in paragraphs (a) and (b) of this subsection.

(a) A local jurisdiction shall not have the authority to amend any accessibility provision pursuant to section 39-4109, Idaho Code.

(b) A local jurisdiction shall not adopt any provision, chapter, section or part of the International Building Residential Code or Idaho residential code or appendices thereto residential provisions of the International Energy Conservation Code, or subsequent versions in their entirety, that have not been adopted or that have been expressly rejected or exempted from the adopted version of those codes by the Idaho building code board through the negotiated rulemaking process as provided in section 39-4109, Idaho Code. Provided however, that, after a finding by the local jurisdiction

(c) Local jurisdictions may amend by ordinance the following provisions of the Idaho residential code to reflect local concerns:

(i) Part I, Administrative;

(ii) Part II, Definitions;

(iii) Part III, Building Planning and Construction, Section R 301, Design Criteria; and

(iv) Part IX, Appendices.

(d) Local jurisdictions may amend by ordinance the following provisions of the Idaho energy conservation code to reflect local concerns:

(i) Chapter 1, Scope and Application; and

(ii) Chapter 2, Definitions.

(e) Local jurisdictions may amend the remainder of Part III of the Idaho residential code if they find that good cause for building or life safety exists for such an amendment to such codes and that such amendment is reasonably necessary, a local jurisdiction may adopt such provision. Amendments shall be adopted by ordinance in accordance with the provisions of chapter 9, title 50, Idaho Code, or chapter 7, title 31, Idaho Code, and provided further that such local jurisdiction shall conduct a public hearing and, provided further, that notice of the time and place of the public hearing shall be published in the official

newspaper or paper of general circulation within the jurisdiction and written notice of each of such public hearing and the proposed language shall be given by the local jurisdiction to the local chapters of the entities identified in section 39-4109(5), Idaho Code, not less than thirty (30) days prior to such hearing. In the event that there are no local chapters of such entities identified in section 39-4109(5), Idaho Code, within the local jurisdiction holding the hearings, the notice shall be provided to the state associations of the respective entities.

(5) Local governments shall exempt agricultural buildings from the requirements of the codes enumerated in this chapter and the rules promulgated by the board. A county may issue permits for farm buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost to the county of issuing the permits.

(6) Permits shall be governed by the laws in effect at the time the permit application is received.

(7) The division shall retain jurisdiction for in-plant inspections and installation standards for manufactured or mobile homes and for in-plant inspections and enforcement of construction standards for modular buildings and commercial coaches.

SECTION 3. NON-RETROACTIVITY CLAUSE. This act shall not be applied retroactively to the effective date of this act. Codes or amendments thereto adopted by local jurisdictions shall remain in full force and effect.

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 28, 2018

CHAPTER 339
(H.B. No. 695)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICAID DIVISION; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICAID DIVISION FOR FISCAL YEAR 2019; 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 LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; REQUIRING MONTHLY MEDICAID TRACKING REPORTS; ALLOWING FOR TRANSFERS OF APPROPRIATION BETWEEN CERTAIN PROGRAMS; REQUIRING A REPORT ON MEDICAID MANAGED CARE IMPLEMENTATION; REQUIRING A REPORT ON FLEXIBLE RECEIPT AUTHORITY; PROVIDING FOR LEGISLATIVE INTENT ON NON-EMERGENCY MEDICAL TRANSPORTATION; REQUIRING COST-SHARING FOR SERVICES; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICAID DIVISION FOR FISCAL YEAR 2018; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE ENHANCED MEDICAID PLAN PROGRAM FOR FISCAL YEAR 2018; 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 for the Medicaid Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MGMT:				
FROM:				
Cooperative Welfare (General)				
Fund	\$6,452,100	\$7,614,500	\$424,100	\$14,490,700
Cooperative Welfare (Dedicated)				
Fund		8,883,800		8,883,800
Technology Infrastructure Stabilization				
Fund		719,200		719,200
Cooperative Welfare (Federal)				
Fund	<u>9,968,600</u>	<u>43,438,900</u>	<u>1,503,100</u>	<u>54,910,600</u>
TOTAL	\$16,420,700	\$60,656,400	\$1,927,200	\$79,004,300
II. COORDINATED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$170,904,400	\$170,904,400
Hospital Assessment				
Fund			16,863,100	16,863,100
Cooperative Welfare (Dedicated)				
Fund			8,488,600	8,488,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)				
Fund			<u>391,838,700</u>	<u>391,838,700</u>
TOTAL			\$588,094,800	\$588,094,800
III. ENHANCED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$217,736,500	\$217,736,500
Hospital Assessment				
Fund			1,682,400	1,682,400
Cooperative Welfare (Dedicated)				
Fund			239,613,200	239,613,200
Cooperative Welfare (Federal)				
Fund			<u>592,154,200</u>	<u>592,154,200</u>
TOTAL			\$1,051,186,300	\$1,051,186,300
IV. BASIC MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$180,989,800	\$180,989,800
Hospital Assessment				
Fund			11,454,500	11,454,500
Cooperative Welfare (Dedicated)				
Fund			16,084,700	16,084,700
Cooperative Welfare (Federal)				
Fund			<u>518,836,100</u>	<u>518,836,100</u>
TOTAL			\$727,365,100	\$727,365,100
GRAND TOTAL	\$16,420,700	\$60,656,400	\$2,368,573,400	\$2,445,650,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Medicaid Administration and Medical Management Program of the Department of Health and Welfare is authorized no more than two hundred sixteen (216.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized. Further, notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that the Department of Health and Welfare has the authority to transfer authorized full-time equivalent positions between budgeted programs.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, 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 budgeted in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2019.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. MEDICAID TRACKING REPORT. The Department of Health and Welfare, Medicaid Division and Indirect Support Services Division, shall deliver on a monthly basis to the Legislative Services Office and the Division of Financial Management a report that compares the Medicaid budget as appropriated, distributed by month for the year, to actual expenditures and remaining forecasted expenditures for the year. The report shall also include a forecast, updated monthly, of the next fiscal year's anticipated trustee and benefit expenditures. The format of the report, and the information included therein, shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 7. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the trustee and benefit payments expenditure class in the Medicaid Division may be transferred in excess of ten percent (10%) among the Coordinated Medicaid Plan, Enhanced Medicaid Plan, Basic Medicaid Plan, and Medicaid Administration and Medical Management Program, but shall not be transferred to any other budgeted programs or expenditure class within the Department of Health and Welfare during fiscal year 2019.

SECTION 8. MEDICAID MANAGED CARE IMPLEMENTATION. The Medicaid Division shall provide a report to the Legislative Services Office and the Division of Financial Management, on progress in integrating managed care approaches into the state Medicaid system. The format of the report, and information contained therein, shall be determined by the Legislative Services Office and the Division of Financial Management. The report shall be submitted no later than December 31, 2018.

SECTION 9. REPORT ON FLEXIBLE RECEIPT AUTHORITY. The Medicaid Division shall provide a report annually, at time of budget submission, to the Legislative Services Office and the Division of Financial Management that describes the need for having additional dedicated receipt authority built into the budget. The additional dedicated fund appropriation is not to be considered when calculating the estimated need for ongoing Medicaid costs, but rather to be held in reserve and used in lieu of General Funds when noncognizable receipts are received by the department.

SECTION 10. NON-EMERGENCY MEDICAL TRANSPORTATION. It is the intent of the Legislature that, of the moneys appropriated in Section 1 of this act, \$200,000 shall be used solely for purposes of improving the Non-Emergency Medical Transportation (NEMT) program. This shall include, but is not limited to, the hiring of an outside entity to conduct an audit of the NEMT program; to support rate review activities for NEMT providers; and to develop and implement a training program that meets the needs of all provider types, the contracted broker, the Department of Health and Welfare, and most importantly the Idahoans who are participating in this program. The training program and rate review are to be developed in collaboration with relevant stakeholder groups including, but not limited to, NEMT providers and disability advocacy groups. The rate review shall be used to determine the

costs of efficiently delivered, high quality NEMT services in a brokerage model to allow the Department of Health and Welfare to update provider rates under its contract with the NEMT broker and, as needed, request a line item for additional appropriation, which would remain subject to legislative approval. In addition, no later than December 30, 2018, and again on June 30, 2019, the Department of Health and Welfare shall provide to the Legislative Services Office and the Division of Financial Management a report that includes details on the implementation of the audit, training, rate review, and any other steps that have been taken by the department to improve the NEMT program. Any unexpended and unencumbered funds that have been appropriated for this purpose are to be reverted at the end of the fiscal year, or as soon thereafter as practicable.

SECTION 11. COST-SHARING REQUIREMENT. It is the intent of the Legislature that the Department of Health and Welfare shall implement cost-sharing in the Division of Medicaid, as required in Section 56-257, Idaho Code, to the maximum extent that is federally allowable, for the expanded population of children whose families' gross taxable income exceeds one hundred eighty-five percent (185%) but does not exceed three hundred percent (300%) of the federal poverty limit (FPL), for Medicaid-eligible services as identified in House Bill No. 43, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature.

SECTION 12. In addition to the appropriation made in Section 1, Chapter 227, Laws of 2017, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare for the Medicaid Division the following amounts to be expended for the designated programs and expense classes from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MGMT:			
FROM:			
Cooperative Welfare (General)			
Fund	\$155,800		\$155,800
Cooperative Welfare (Federal)			
Fund	<u>155,700</u>		<u>155,700</u>
TOTAL	\$311,500		\$311,500
II. ENHANCED MEDICAID PLAN:			
FROM:			
Cooperative Welfare (General)			
Fund		\$7,663,700	\$7,663,700
Cooperative Welfare (Federal)			
Fund		<u>18,992,500</u>	<u>18,992,500</u>
TOTAL		\$26,656,200	\$26,656,200

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. BASIC MEDICAID PLAN:			
FROM:			
Cooperative Welfare (General)			
Fund		\$9,269,200	\$9,269,200
Hospital Assessment			
Fund		9,103,700	9,103,700
Cooperative Welfare (Federal)			
Fund		<u>37,956,300</u>	<u>37,956,300</u>
TOTAL		\$56,329,200	\$56,329,200
GRAND TOTAL	\$311,500	\$82,985,400	\$83,296,900

SECTION 13. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Enhanced Medicaid Plan Program in Section 1, Chapter 227, Laws of 2017, from the Cooperative Welfare (Dedicated) Fund is hereby reduced by \$25,000,000 for trustee and benefit payments for the period July 1, 2017, through June 30, 2018.

SECTION 14. An emergency existing therefor, which emergency is hereby declared to exist, Sections 12 and 13 of this act shall be in full force and effect on and after passage and approval.

Approved March 28, 2018

CHAPTER 340
(H.B. No. 704)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2019; 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 LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; PROVIDING LEGISLATIVE INTENT FOR SUICIDE PREVENTION AND AWARENESS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2018; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2018; PROVIDING FOR A CASH TRANSFER FROM THE IDAHO IMMUNIZATION DEDICATED VACCINE FUND TO THE GENERAL FUND FOR FISCAL YEAR 2018; 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 for the Public Health Services Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PHYSICAL HEALTH SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$1,714,200	\$1,703,300		\$1,084,600	\$4,502,100
Idaho Immunization Dedicated Vaccine					
Fund		18,970,000			18,970,000
Cancer Control					
Fund	56,600	205,000		82,600	344,200
Central Tumor Registry					
Fund		120,000			120,000
Cooperative Welfare (Dedicated)					
Fund	2,090,200	3,861,700		9,936,200	15,888,100
Idaho Millennium Income					
Fund		2,706,700			2,706,700
Cooperative Welfare (Federal)					
Fund	<u>7,647,300</u>	<u>12,717,200</u>		<u>39,034,500</u>	<u>59,399,000</u>
TOTAL	\$11,508,300	\$40,283,900		\$50,137,900	\$101,930,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. EMERGENCY MEDICAL SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$107,400	\$170,000			\$277,400
Emergency Medical Services					
Fund	1,754,000	1,140,200			2,894,200
Emergency Medical Services III					
Fund				\$1,400,000	1,400,000
TSE Registry					
Fund	99,000	327,000			426,000
Cooperative Welfare (Dedicated)					
Fund	497,100	341,300			838,400
Cooperative Welfare (Federal)					
Fund	<u>823,000</u>	<u>1,024,300</u>		<u>4,314,200</u>	<u>6,161,500</u>
TOTAL	\$3,280,500	\$3,002,800		\$5,714,200	\$11,997,500
III. LABORATORY SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$1,827,100	\$390,000	\$42,800		\$2,259,900
Cooperative Welfare (Dedicated)					
Fund	468,600	199,300			667,900
Cooperative Welfare (Federal)					
Fund	<u>1,029,400</u>	<u>939,300</u>	<u>0</u>		<u>1,968,700</u>
TOTAL	\$3,325,100	\$1,528,600	\$42,800		\$4,896,500
IV. SUICIDE PREVENTION AND AWARENESS:					
FROM:					
Cooperative Welfare (General)					
Fund	\$268,100	\$320,500		\$644,600	\$1,233,200
Cooperative Welfare (Federal)					
Fund	<u>0</u>	<u>10,000</u>		<u>80,000</u>	<u>90,000</u>
TOTAL	\$268,100	\$330,500		\$724,600	\$1,323,200
GRAND TOTAL	\$18,382,000	\$45,145,800	\$42,800	\$56,576,700	\$120,147,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the following number of full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized. Further, notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that the Department

of Health and Welfare has the authority to transfer authorized full-time equivalent positions between budgeted programs.

Physical Health Services	151.18
Emergency Medical Services	42.84
Laboratory Services	39.00
Suicide Prevention and Awareness	4.00

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, 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 budgeted in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2019.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. SUICIDE PREVENTION AND AWARENESS. It is the intent of the Legislature that the Department of Health and Welfare, Office of Suicide Prevention and Awareness Program, establish and submit a complete plan for suicide prevention in Idaho that includes measurable and prioritized outcomes for reducing suicides in Idaho. It is to be submitted to the Legislative Services Office no later than August 15, 2018. The coordination and implementation of the planning process is to be managed by a facilitator, which will be provided by the Suicide Prevention Coalition, and administrative support will be provided by the Department of Health and Welfare. The plan is to be developed in full collaboration with various stakeholder groups including, but not limited to, the Idaho Council on Suicide Prevention, Suicide Prevention Action Network, American Foundation for Suicide Prevention, Idaho Suicide Prevention Coalition, Veteran Service Organizations, Idaho Department of Education, and the Idaho Suicide Prevention Hotline. With the exception of the \$273,000 to support the Idaho Suicide Hotline, as appropriated in Section 1 of this act, the moneys appropriated to the Office of Suicide Prevention and Awareness Program are to be used in accordance with this plan. The Department of Health and Welfare is to develop and submit a budget request for the 2019 legislative session that would fully implement this plan. Further, it is the intent of the Legislature that new funding for the Suicide Hotline be considered on an as requested basis and be subject to legislative approval.

SECTION 7. In addition to the appropriation made in Section 1, Chapter 219, Laws of 2017, and any other appropriation provided for by law, there is hereby appropriated \$1,831,000 from the Cooperative Welfare (Federal) Fund to the Department of Health and Welfare Physical Health Services Program to be expended for operating expenditures for the period July 1, 2017, through June 30, 2018.

SECTION 8. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare Physical Health Services Program in Section 1, Chapter 219, Laws of 2017, from the Cooperative Welfare (Federal) Fund is hereby reduced by \$1,831,000 for trustee and benefit payments for the period July 1, 2017, through June 30, 2018.

SECTION 9. There is hereby appropriated and the State Controller shall transfer \$3,557,200 from the Idaho Immunization Dedicated Vaccine Fund to the General Fund for the Department of Health and Welfare for the period July 1, 2017, through June 30, 2018.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, Sections 7, 8 and 9 of this act shall be in full force and effect on and after passage and approval.

Approved March 28, 2018

CHAPTER 341
(S.B. No. 1295, As Amended in the House)

AN ACT
RELATING TO EDUCATION; AMENDING SECTION 33-1002G, IDAHO CODE, TO REVISE PROVISIONS REGARDING FUNDING FOR CAREER TECHNICAL SCHOOLS.

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

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

33-1002G. CAREER TECHNICAL SCHOOL ADDED-COST UNITS FUNDING AND ELIGIBILITY. (1) School districts 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. The amount of the career technical school added cost unit would be calculated as an additional .33 secondary units based on full-time equivalent average daily attendance at an approved career technical school. 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 first Friday in July fifteenth of April for the following fiscal year. This includes applicants for new schools and renewal applications. All career technical schools programs must have a career technical component and meet at least four (4) all three (3) of the five (5) following criteria:

(1a) The school serves students from two (2) or more high school attendance zones with a minimum of fifteen percent (15%) of the total student body residing in attendance zones apart from the attendance zone of the majority of students 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.

(2b) The school offers a majority of its class the school's program offerings as lead to some form of postsecondary credit, such as dual credit or other advanced opportunities in conjunction with an accredited institution of higher, as defined by the state board of education, or include apprenticeship opportunities.

(3c) All school programs involve 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:

~~(4a) The school is administered and funded as a distinct school separate separately from schools that qualify for computation as using regular secondary support units.~~

~~(b) The school has a separate and distinct governing board.~~

~~(5c) The majority of the school is to be located programs are provided at a dedicated facilities that are separate site from the regular high school facilities.~~

~~Hardship exemptions for the separate site requirement may be granted by the state board of education.~~

~~For funding purposes, students in attendance at a qualifying career technical school will be reported in full or half days. The state board of education will develop rules that will determine funding in instances where students attend a career technical school on a regular basis, but in increments of time that total less than 2.5 hours per day.~~

Approved March 28, 2018

CHAPTER 342
(S.B. No. 1362)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF CHILD WELFARE, SERVICES FOR THE DEVELOPMENTALLY DISABLED, AND SERVICE INTEGRATION FOR FISCAL YEAR 2019; 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 LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; CLARIFYING THE RESPONSIBILITY FOR THE EDUCATION OF CERTAIN CHILDREN IN STATE CARE; DIRECTING EXPENDITURES FOR HEAD START APPROPRIATIONS FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILD WELFARE PROGRAM FOR FISCAL YEAR 2018; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2018; REQUIRING A PLAN ON CHILD WELFARE STAFFING; ALLOCATING FUNDING FOR THE HOME VISITATION PROGRAM; 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, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CHILD WELFARE:					
A. CHILD WELFARE:					
FROM:					
Cooperative Welfare (General)					
Fund	\$10,042,100	\$2,073,800			\$12,115,900
Cooperative Welfare (Dedicated)					
Fund	71,500	20,000			91,500

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
Technology Infrastructure Stabilization					
Fund		3,900,000			3,900,000
Cooperative Welfare (Federal)					
Fund	<u>21,036,200</u>	<u>9,684,400</u>			<u>30,720,600</u>
TOTAL	\$31,149,800	\$15,678,200			\$46,828,000
B. FOSTER AND ASSISTANCE PAYMENTS:					
FROM:					
Cooperative Welfare (General)					
Fund				\$11,338,200	\$11,338,200
Cooperative Welfare (Dedicated)					
Fund				705,600	705,600
Cooperative Welfare (Federal)					
Fund				<u>18,047,700</u>	<u>18,047,700</u>
TOTAL				\$30,091,500	\$30,091,500
DIVISION TOTAL	\$31,149,800	\$15,678,200		\$30,091,500	\$76,919,500
II. SERVICES FOR THE DEVELOPMENTALLY DISABLED:					
A. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$7,487,100	\$1,111,300		\$2,415,100	\$11,013,500
Cooperative Welfare (Dedicated)					
Fund	104,400	46,300		783,100	933,800
Cooperative Welfare (Federal)					
Fund	<u>5,924,100</u>	<u>1,047,000</u>		<u>2,933,800</u>	<u>9,904,900</u>
TOTAL	\$13,515,600	\$2,204,600		\$6,132,000	\$21,852,200
B. SOUTHWEST IDAHO TREATMENT CENTER:					
FROM:					
Cooperative Welfare (General)					
Fund	\$1,944,500	\$542,400	\$38,600	\$77,700	\$2,603,200
Cooperative Welfare (Dedicated)					
Fund	289,100	137,800		10,600	437,500
Cooperative Welfare (Federal)					
Fund	<u>5,804,600</u>	<u>1,931,400</u>	<u>11,400</u>	<u>142,800</u>	<u>7,890,200</u>
TOTAL	\$8,038,200	\$2,611,600	\$50,000	\$231,100	\$10,930,900
DIVISION TOTAL	\$21,553,800	\$4,816,200	\$50,000	\$6,363,100	\$32,783,100

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
III. SERVICE INTEGRATION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$231,800	\$54,700		\$450,000	\$736,500
Cooperative Welfare (Dedicated)					
Fund		19,500		50,000	69,500
Cooperative Welfare (Federal)					
Fund	<u>2,096,400</u>	<u>265,100</u>		<u>2,900,000</u>	<u>5,261,500</u>
TOTAL	\$2,328,200	\$339,300		\$3,400,000	\$6,067,500
GRAND TOTAL	\$55,031,800	\$20,833,700	\$50,000	\$39,854,600	\$115,770,100

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, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized. Further, notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that the Department of Health and Welfare has the authority to transfer authorized full-time equivalent positions between budgeted programs.

Child Welfare	404.80
Community Developmental Disability Services	180.96
Southwest Idaho Treatment Center	123.75
Service Integration	35.00

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, 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 budgeted in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2019.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. EDUCATIONAL NEEDS. It is the intent of the Legislature that the Department of Health and Welfare is responsible for the educational needs of school-age children placed in its custody by the courts for either child protective or mental health issues. If the Department of Health and Welfare places a child in a licensed residential treatment facility that includes a nonpublic accredited school, and it is determined by the Department of Health and Welfare that it is in the best interest of the child to be educated at the residential treatment facility, then it is the respon-

sibility of the Department of Health and Welfare to pay for such education, per student, per educational day. This intent language does not preclude other Idaho state agencies 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 language is included within existing department base appropriations.

SECTION 7. HEAD START APPROPRIATION FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDS. At a minimum, the Department of Health and Welfare is directed to maintain Head Start appropriations paid from federal Temporary Assistance for Needy Families funds at the same level as was paid to the Head Start Program in fiscal year 2007.

SECTION 8. In addition to the appropriation made in Section 1, Chapter 218, Laws of 2017, and any other appropriation provided for by law, there is hereby appropriated to the Department of Health and Welfare for the Child Welfare Program the following amounts to be expended for the designated expense classes from the listed funds for the period July 1, 2017, through June 30, 2018:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
Cooperative Welfare (General)			
Fund	\$81,700	\$1,609,000	\$1,690,700
Cooperative Welfare (Federal)			
Fund	<u>81,700</u>	<u>9,000</u>	<u>90,700</u>
TOTAL	\$163,400	\$1,618,000	\$1,781,400

SECTION 9. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Department of Health and Welfare for the Child Welfare Program in Section 2, Chapter 218, Laws of 2017, is increased by nine (9.00) for the period July 1, 2017, through June 30, 2018.

SECTION 10. CHILD WELFARE STAFFING. It is the intent of the Legislature that the newly approved social worker and social worker supervisor positions are to be hired in accordance with documents submitted in the Department of Health and Welfare's budget request for the fiscal year 2018 supplemental appropriation. Of the social worker positions, a minimum of two positions are to be hired as case manager-social workers in order to alleviate the caseload and workload issues of staff working directly with children in the foster care system. Further, the department is to maximize its resources to reduce the caseload and workload of its social worker positions with the goal of improving the child welfare and foster care programs. No later than October 1, 2018, the department is to submit a budget-based plan on how the department intends to address the staffing issues related to caseload, workload, recruitment, retention, and morale, as has been discussed in the legislative interim Foster Care Study Committee and from various reports produced by the Office of Performance Evaluations on related issues.

SECTION 11. HOME VISITATION PROGRAM. It is the intent of the Legislature that \$1,600,000 of the moneys appropriated in Section 8 of this act be used for the home visitation program through contract with each of the Public Health Districts of Idaho. The health districts currently provide these services using other fund sources, but those fund sources come with stringent requirements, which leads to a disparity of services being provided in all of Idaho's counties. This funding would allow each health district to

provide home visitation services in all of Idaho's forty-four counties. The families that will receive these services are often involved in the foster care system, the behavioral health system, and judicial system. In fiscal year 2017, there were 2,714 children in foster care statewide, which is a 6% increase over fiscal year 2016 and a 13.6% increase since fiscal year 2013. Further, for three of the last five years, more children have entered foster care than have left the system. In fiscal year 2017, the difference was 184 more children entering than exiting. The department attributes a significant portion of the increase to the nationwide opioid crisis and parental substance use addictions. The moneys received by the health districts are not to be considered as state aid as determined in Section 39-425, Idaho Code, nor are the moneys to be allocated through a board of trustee formula according to Section 39-411, Idaho Code. The allocation of these funds was based on how much each district is currently providing for comparable services from other fund sources in comparison to the other health districts. Further, it is the intent of the Legislature that the Public Health Districts be allowed to reallocate these moneys between districts, but only upon unanimous concurrence of the Board of Directors for the Public Health Districts. The moneys appropriated in Section 8 of this act are to be fully distributed to each Public Health District upon enactment of this legislation, as follows:

Public Health District 1	\$313,300
Public Health District 2	\$254,500
Public Health District 3	\$328,000
Public Health District 4	\$170,400
Public Health District 5	\$211,400
Public Health District 6	\$168,600
Public Health District 7	\$153,800

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, Sections 8, 9, 10 and 11 of this act shall be in full force and effect on and after passage and approval.

Approved March 28, 2018

CHAPTER 343
(S.B. No. 1364)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING CONTINUOUS APPROPRIATION AUTHORITY.

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

SECTION 1. There is hereby appropriated to the Public Employee Retirement System of Idaho the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. RETIREMENT ADMINISTRATION:				
FROM:				
PERSI Administrative				
Fund	\$4,414,100	\$2,589,200	\$152,500	\$7,155,800
Judges' Retirement				
Fund	<u>61,500</u>	<u>1,000</u>	<u>0</u>	<u>62,500</u>
TOTAL	\$4,475,600	\$2,590,200	\$152,500	\$7,218,300
II. PORTFOLIO INVESTMENT:				
FROM:				
PERSI Special				
Fund	\$659,900	\$215,500	\$18,000	\$893,400
GRAND TOTAL	\$5,135,500	\$2,805,700	\$170,500	\$8,111,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Employee Retirement System of Idaho is authorized no more than sixty-eight (68.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. Notwithstanding Section 59-1311(4)(d), Idaho Code, moneys appropriated in Section 1 of this act for the Portfolio Investment Program are for administrative costs of the Portfolio Investment Program as provided in Section 59-1311(3), Idaho Code. Amounts necessary to pay all other investment expenses related to the Portfolio Investment Program are perpetually appropriated to the Public Employee System Board as provided in Section 59-1311(4)(a), (b) and (c), Idaho Code.

Approved March 28, 2018

CHAPTER 344
(S.B. No. 1366)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS; AND PROVIDING NON-GENERAL FUND REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. WASHINGTON-IDAHO VETERINARY EDUCATION:					
FROM:					
General					
Fund	\$592,500	\$1,424,000			\$2,016,500
Restricted					
Fund	<u>0</u>	<u>0</u>		<u>\$100,000</u>	<u>100,000</u>
TOTAL	\$592,500	\$1,424,000		\$100,000	\$2,116,500
II. WWAMI MEDICAL EDUCATION:					
FROM:					
General					
Fund	\$1,583,000	\$447,800	\$87,500	\$4,281,200	\$6,399,500
III. IDAHO DENTAL EDUCATION PROGRAM:					
FROM:					
General					
Fund	\$254,500			\$1,352,900	\$1,607,400
Unrestricted					
Fund	<u>189,700</u>	<u>\$25,800</u>	<u>\$5,500</u>	<u>0</u>	<u>221,000</u>
TOTAL	\$444,200	\$25,800	\$5,500	\$1,352,900	\$1,828,400
IV. UNIVERSITY OF UTAH MEDICAL EDUCATION:					
FROM:					
General					
Fund				\$1,694,900	\$1,694,900

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
V. FAMILY MEDICINE RESIDENCIES:					
FROM:					
General					
Fund	\$1,024,300	\$321,600		\$3,655,000	\$5,000,900
VI. BOISE INTERNAL MEDICINE:					
FROM:					
General					
Fund				\$617,500	\$617,500
VII. PSYCHIATRY EDUCATION:					
FROM:					
General					
Fund				\$397,800	\$397,800
VIII. EASTERN IDAHO MEDICAL RESIDENCIES:					
FROM:					
General					
Fund				\$455,000	\$455,000
IX. BINGHAM INTERNAL MEDICINE:					
FROM:					
General					
Fund				\$525,000	\$525,000
GRAND TOTAL	\$3,644,000	\$2,219,200	\$93,000	\$13,079,300	\$19,035,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs specified in this section is authorized no more than the number of full-time equivalent positions shown at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Washington-Idaho Veterinary Education	6.38
WWAMI Medical Education	13.72
Idaho Dental Education Program	3.25
University of Utah Medical Education	0.00
Family Medicine Residencies	6.80
Boise Internal Medicine	0.00
Psychiatry Education	0.00
Eastern Idaho Medical Residencies	0.00
Bingham Internal Medicine	0.00

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2019, the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs are hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for dedicated fund moneys appropriated for the period July 1, 2018, through June 30, 2019. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs any unexpended and unencumbered balances of moneys categorized as dedicated funds as appropriated or reappropriated for fiscal year 2018 to be used for nonrecurring expenditures for the period July 1, 2018, through June 30, 2019.

Approved March 28, 2018

CHAPTER 345
(S.B. No. 1367)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT REGARDING CERTAIN MONEYS BEING CONTINUOUSLY APPROPRIATED; AUTHORIZING THE TRANSFER OF FUNDS FOR THE GATEWAY VISITOR CENTERS; PROVIDING REAPPROPRIATION FOR THE STATE HIGHWAY FUND, THE STRATEGIC INITIATIVES PROGRAM FUND, AND THE TRANSPORTATION EXPANSION AND CONGESTION MITIGATION FUND; PROVIDING REAPPROPRIATION FOR AIRPORT DEVELOPMENT GRANTS; AND AUTHORIZING A TRANSFER OF FUNDS FOR BOND PAYMENTS.

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

SECTION 1. There is hereby appropriated to the Idaho Transportation Department the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. TRANSPORTATION SERVICES:					
A. ADMINISTRATION:					
FROM:					
State Highway (Dedicated)					
Fund	\$16,778,000	\$9,553,900	\$1,093,200		\$27,425,100
State Highway (Federal)					
Fund	<u>409,000</u>	<u>219,100</u>	<u>0</u>	<u>\$440,000</u>	<u>1,068,100</u>
TOTAL	\$17,187,000	\$9,773,000	\$1,093,200	\$440,000	\$28,493,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. CAPITAL FACILITIES:					
FROM:					
State Aeronautics (Dedicated)					
Fund			\$260,000		\$260,000
State Highway (Dedicated)					
Fund		<u>\$30,000</u>	<u>3,265,000</u>		<u>3,295,000</u>
TOTAL		\$30,000	\$3,525,000		\$3,555,000
C. AERONAUTICS:					
FROM:					
State Aeronautics (Dedicated)					
Fund	\$991,700	\$552,100	\$592,700	\$750,000	\$2,886,500
State Aeronautics (Billing)					
Fund	88,200	138,400			226,600
State Highway (Dedicated)					
Fund			1,621,100		1,621,100
State Aeronautics (Federal)					
Fund	<u>94,400</u>	<u>573,200</u>	<u>0</u>	<u>0</u>	<u>667,600</u>
TOTAL	\$1,174,300	\$1,263,700	\$2,213,800	\$750,000	\$5,401,800
DIVISION					
TOTAL	\$18,361,300	\$11,066,700	\$6,832,000	\$1,190,000	\$37,450,000
II. MOTOR VEHICLES:					
FROM:					
State Highway (Dedicated)					
Fund	\$15,391,200	\$18,042,500	\$566,800		\$34,000,500
State Highway (Federal)					
Fund	<u>0</u>	<u>3,600,000</u>	<u>0</u>		<u>3,600,000</u>
TOTAL	\$15,391,200	\$21,642,500	\$566,800		\$37,600,500
III. HIGHWAY OPERATIONS:					
FROM:					
State Highway (Dedicated)					
Fund	\$83,709,800	\$54,590,800	\$19,736,200	\$462,000	\$158,498,800
State Highway (Local)					
Fund	230,500	80,800			311,300
State Highway (Federal)					
Fund	<u>13,795,900</u>	<u>4,705,500</u>	<u>0</u>	<u>16,855,000</u>	<u>35,356,400</u>
TOTAL	\$97,736,200	\$59,377,100	\$19,736,200	\$17,317,000	\$194,166,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:					
FROM:					
State Highway (Dedicated)					
Fund		\$1,946,800	\$131,427,200	\$319,300	\$133,693,300
State Highway (Local)					
Fund		271,500	3,037,400	542,500	3,851,400
Transportation Expansion and Congestion Mitigation					
Fund			16,880,800		16,880,800
State Highway (Federal)					
Fund		<u>8,007,100</u>	<u>266,103,700</u>	<u>3,061,300</u>	<u>277,172,100</u>
TOTAL		\$10,225,400	\$417,449,100	\$3,923,100	\$431,597,600
GRAND TOTAL	\$131,488,700	\$102,311,700	\$444,584,100	\$22,430,100	\$700,814,600

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, 2018, through June 30, 2019, 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. It is the intent of the Legislature that 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. GATEWAY VISITOR CENTERS TRANSFER. There is hereby appropriated and the State Controller shall transfer \$25,000 from the State Highway Fund within the Idaho Transportation Department to the Tourism and Promotion Fund within the Department of Commerce on July 1, 2018, or as soon thereafter as practicable, for the period July 1, 2018, through June 30, 2019, for the purpose of providing the matching fund support for the Gateway Visitor Centers.

SECTION 5. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Transportation Department from the State Highway Fund, Strategic Initiatives Program Fund, and the Transportation Expansion and Congestion Mitigation Fund for the Contract Construction and Right-of-Way Acquisition Division for fiscal year 2018 to be used for nonrecurring expenditures for the Contract Construction and Right-of-Way Acquisition Division for the period July 1, 2018, through June 30, 2019.

SECTION 6. REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Transportation Department from the State Aeronautics Fund as trustee and benefit payments for Airport Development Grants for fiscal year 2018 to

be used for nonrecurring expenditures related to Airport Development Grants for the period July 1, 2018, through June 30, 2019.

SECTION 7. BOND PAYMENT AUTHORIZATION. The federal GARVEE bond payment for fiscal year 2019 is approximately \$52,500,000. It is hereby appropriated and the Idaho Transportation Board is hereby authorized to transfer up to \$4,800,000 from within the State Highway 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 2019.

Approved March 28, 2018

CHAPTER 346
(S.B. No. 1368)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM AND OBJECT TRANSFERS; PROVIDING LEGISLATIVE INTENT FOR PROVIDER REVIEW AND RECOMMENDATIONS; AND PROVIDING FOR REAPPROPRIATION AUTHORITY.

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, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. EXTENDED EMPLOYMENT SERVICES:					
FROM:					
General					
Fund	\$431,000	\$23,700		\$3,972,600	\$4,427,300
II. VOCATIONAL REHABILITATION:					
FROM:					
General					
Fund	\$1,880,800	\$265,600	\$23,300	\$1,784,500	\$3,954,200
Rehabilitation Revenue and Refunds					
Fund	58,800		2,700	1,081,500	1,143,000
Miscellaneous Revenue					
Fund	70,400	1,700		894,500	966,600
Federal Grant					
Fund	<u>8,298,000</u>	<u>1,436,900</u>	<u>80,600</u>	<u>7,729,700</u>	<u>17,545,200</u>
TOTAL	\$10,308,000	\$1,704,200	\$106,600	\$11,490,200	\$23,609,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. COUNCIL FOR THE DEAF AND HARD OF HEARING:					
FROM:					
General					
Fund	\$217,500	\$45,600	\$3,700		\$266,800
Miscellaneous Revenue					
Fund	<u>0</u>	<u>3,000</u>	<u>0</u>		<u>3,000</u>
TOTAL	\$217,500	\$48,600	\$3,700		\$269,800
GRAND TOTAL	\$10,956,500	\$1,776,500	\$110,300	\$15,462,800	\$28,306,100

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-four (154.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. PROGRAM AND OBJECT TRANSFERS. Notwithstanding the provisions of Section 67-3511, Idaho Code, of the amount appropriated in Section 1 of this act, funding provided for trustee and benefit payments in the Extended Employment Services Program shall not be transferred to any other budgeted program or expense class during fiscal year 2019.

SECTION 4. PROVIDER REVIEW AND RECOMMENDATIONS. It is the intent of the Legislature that the division administrator of the Division of Vocational Rehabilitation shall work with community rehabilitation providers to understand the impact that the level of fee for services set by the administrator has on the providers' ability to recruit and retain qualified workers who can deliver services in a safe and effective manner, and that the administrator shall report back to the Joint Finance-Appropriations Committee during the 2019 legislative session on the results of the review and any recommendations.

SECTION 5. REAPPROPRIATION. There is hereby reappropriated to the Division of Vocational Rehabilitation any unexpended and unencumbered balances appropriated to the Extended Employment Services in trustee and benefit payments for fiscal year 2018, in an amount not to exceed \$80,000 from the General Fund, to be used for a one-year rate increase to community rehabilitation providers for the period July 1, 2018, through June 30, 2019.

Approved March 28, 2018

CHAPTER 347
(S.B. No. 1375)

AN ACT

RELATING TO THE APPROPRIATION TO THE LEGISLATIVE BRANCH FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATIVE BRANCH FOR THE LEGISLATIVE SERVICES OFFICE PROGRAM FOR FISCAL YEAR 2019; AND PROVIDING REAPPROPRIATION AUTHORITY.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Legislative Branch for the Legislative Services Office Program \$150,000 from the Technology Infrastructure Stabilization Fund to be expended for operating expenditures for the period July 1, 2018, through June 30, 2019, for the purpose of acquiring information technology support to review technology project requests submitted through the annual budget process.

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Legislative Branch for the Senate and House Program any unexpended and unencumbered balances appropriated to the Senate and House Program from the General Fund for interim committees for fiscal year 2018 to be used for non-recurring expenditures related to interim committees for the period July 1, 2018, through June 30, 2019.

Law without signature.

CHAPTER 348
(S.B. No. 1316, As Amended)

AN ACT

RELATING TO ATTORNEY'S FEES AND COSTS REGARDING AN ADMINISTRATIVE PROCEEDING; AMENDING SECTION 12-117, IDAHO CODE, TO AUTHORIZE THE ASSESSMENT OF REASONABLE COSTS AND REASONABLE ATTORNEY'S FEES IN FAVOR OF A PREVAILING PARTY IN CERTAIN ADMINISTRATIVE PROCEEDINGS INVOLVING LICENSING AUTHORITIES AND TO PROVIDE A DEFINITION; AMENDING SECTION 36-2113, IDAHO CODE, TO PROVIDE APPLICATION TO OUTFITTERS AND GUIDES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-713, IDAHO CODE, TO PROVIDE APPLICATION TO CHIROPRACTORS; AMENDING SECTION 54-1406A, IDAHO CODE, TO PROVIDE APPLICATION TO MEDICATION ASSISTANTS; AMENDING SECTION 54-1413, IDAHO CODE, TO PROVIDE APPLICATION TO LICENSEES OF THE NURSING BOARD AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1502A, IDAHO CODE, TO PROVIDE APPLICATION TO UNLICENSED OPTOMETRISTS; AMENDING SECTION 54-1512, IDAHO CODE, TO PROVIDE APPLICATION TO LICENSED OPTOMETRISTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1728, IDAHO CODE, TO PROVIDE APPLICATION TO PHARMACISTS; AMENDING SECTION 54-1732, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1806, IDAHO CODE, TO PROVIDE APPLICATION TO PHYSICIANS AND SURGEONS; AMENDING SECTION 54-1914, IDAHO CODE, TO PROVIDE APPLICATION TO PUBLIC WORKS CONTRACTORS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2059, IDAHO CODE, TO PROVIDE APPLICATION TO REAL ESTATE LICENSEES; AMENDING SECTION 54-2118, IDAHO CODE, TO PROVIDE APPLICATION TO VETERINARIANS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2220, IDAHO CODE, TO PROVIDE APPLICATION TO PHYSICAL THERAPISTS AND TO MAKE TECHNICAL

CORRECTIONS; AMENDING SECTION 54-2221, IDAHO CODE, TO PROVIDE APPLICATION TO PHYSICAL THERAPISTS; AMENDING SECTION 54-2925, IDAHO CODE, TO PROVIDE APPLICATION TO SPEECH AND HEARING LICENSEES; AMENDING SECTION 54-3113, IDAHO CODE, TO PROVIDE APPLICATION TO CERTIFIED SHORTHAND REPORTERS; AMENDING SECTION 54-3720, IDAHO CODE, TO PROVIDE APPLICATION TO OCCUPATIONAL THERAPISTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3913, IDAHO CODE, TO PROVIDE APPLICATION TO ATHLETIC TRAINERS; AMENDING SECTION 54-4132, IDAHO CODE, TO PROVIDE APPLICATION TO APPRAISAL MANAGEMENT COMPANIES; AMENDING SECTION 54-5215, IDAHO CODE, TO PROVIDE APPLICATION TO CONTRACTORS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-5607, IDAHO CODE, TO PROVIDE APPLICATION TO GENETIC COUNSELORS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-2601A, IDAHO CODE, TO PROVIDE APPLICATION TO LICENSEES UNDER THE JURISDICTION OF THE DIVISION OF BUILDING SAFETY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-2602, IDAHO CODE, TO PROVIDE APPLICATION TO LICENSEES UNDER THE AUTHORITY OF THE OCCUPATIONAL LICENSES BUREAU; AND AMENDING SECTION 67-2609, IDAHO CODE, TO PROVIDE FOR RULEMAKING AUTHORITY PROVIDING APPLICATION TO BOARDS UNDER THE OCCUPATIONAL LICENSES BUREAU AND TO MAKE TECHNICAL CORRECTIONS.

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

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

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

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

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

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

(5) Notwithstanding any other provision of law, in any administrative proceeding or administrative judicial proceeding involving as adverse par-

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

(6) For purposes of this section:

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

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

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

(bd) "Political subdivision" means a city, a county, any taxing district or a health district;

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

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

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

SECTION 2. That Section 36-2113, Idaho Code, be, and the same is hereby amended to read as follows:

36-2113. REVOCATION OR SUSPENSION OF LICENSE -- GROUNDS. (a) Every license shall, by virtue of this chapter, be subject to suspension, revocation, probation or other restriction by the board for the commission of any of the following acts:

1. For supplying false information or for failure to provide information required to be furnished by the license application form for a license currently valid or for other fraud or deception in procuring a license under the provisions of this chapter.
2. For fraudulent, untruthful or misleading advertising.
3. For conviction of a felony.
4. For two (2) or more forfeitures of any deposits of money or collateral with a court or administrative agency or for a conviction for violation of regulations of the United States forest service or the bureau of land management.
5. For unethical or unprofessional conduct as defined by rules of the board.
6. For conviction of any violation of any state or federal fish and game or outfitting and guiding laws.

7. For a substantial breach of any contract with any person utilizing his services.

8. For willfully (i) operating in any area for which the licensee is not licensed, or (ii) engaging in any activity for which the licensee is not licensed.

9. For the employment of an unlicensed guide by an outfitter.

10. For inhumane treatment of any animal used by the licensed outfitter or guide in the conduct of his business which endangers the health or safety of any guest or patron or which interferes with the conduct of his business.

11. For failure by any firm, partnership, corporation or other organization or any combination thereof licensed as an outfitter to have at least one (1) licensed outfitter as designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter.

12. For the failure to provide any animal used by the licensed outfitter or guide in the conduct of his business with proper food, drink and shelter, or for the subjection of any such animal to needless abuse or cruel and inhumane treatment.

13. For failure of an outfitter to serve the public in any of the following ways: (i) by nonuse of license privileges as defined by rules of the board, (ii) by limiting services to any individual, group, corporation or club that limits its services to a membership, or (iii) by not offering services to the general public.

14. For violation of or noncompliance with any applicable provision of this chapter, or for violation of any lawful rule or order of the outfitters and guides licensing board.

(b) For the purposes of this section, the term "conviction" shall mean a finding of guilt, an entry of a guilty plea by a defendant and its acceptance by the court, or a forfeiture of bail bond or collateral deposited to secure a defendant's appearance, suspended sentence, probation or withheld judgment.

(c) In addition to the penalties imposed in this section, the board may impose an administrative fine not to exceed five thousand dollars (\$5,000) ~~or the administrative costs of bringing the action before the board including, but not limited to, attorney's fees and costs of hearing transcripts,~~ for each violation of the provisions of this chapter.

(d) The jurisdiction and authority of the board pursuant to this section and section 36-2114, Idaho Code, extend to any former licensee for a violation of this section which occurred during the period of licensure.

(e) The assessment of costs and fees incurred in the investigation and prosecution or defense of a licensee under this section shall be governed by the provisions of section 12-117(5), Idaho Code.

SECTION 3. That Section 54-713, Idaho Code, be, and the same is hereby amended to read as follows:

54-713. PENALTIES AND REINSTATEMENT. (1) Upon the finding of the existence of grounds for discipline of any person holding a license, seeking a license, or renewing a license under the provisions of this chapter, the board may impose one (1) or more of the following penalties:

(a) Suspension of the offender's license for a term to be determined by the board;

(b) Revocation of the offender's license;

(c) Restriction of the offender's license to prohibit the offender from performing certain acts or from engaging in the practice of chiropractic in a particular manner for a term to be determined by the board;

(d) Refusal to renew the offender's license;

(e) Placement of the offender on probation and supervision by the board for a period of time and under terms and conditions to be determined by the board;

(f) Imposition of an administrative fine not to exceed two thousand dollars (\$2,000) ~~plus costs of prosecution and reasonable attorney fees;~~

(g) Written letters of censure or reprimand which shall become a permanent record in the files of the licensee and which may be published within the discretion of the board; or

(h) Restitution for losses suffered or reimbursement for any damages incurred by a patient as a result of a violation of this chapter.

(2) In lieu of the penalties imposed by subsection (1) of this section, the board and licensee may enter into a written mutual agreement whereby the licensee agrees to discontinue a particular activity or comply with the provisions of this chapter without an admission or finding of culpability of the licensee, the violation of which may be the basis for disciplinary action by the board.

(3) The assessment of costs and fees incurred in the investigation and prosecution or defense of a person holding a license, seeking a license or renewing a license under this chapter shall be governed by the provisions of section 12-117(5), Idaho Code.

(4) Any person whose license to practice chiropractic in this state has been suspended, revoked or restricted pursuant to this chapter, whether voluntarily or by action of the board, shall have the right, at reasonable intervals, to petition the board for reinstatement of such license. Such petition shall be made in writing and in the form prescribed by the board. Upon investigation and hearing, the board may in its discretion grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications.

(45) Nothing herein contained shall be construed as barring criminal prosecutions for violations of the provisions of this chapter where such violations are deemed as criminal offenses in other statutes of this state or of the United States.

(56) All final decisions by the board shall be subject to judicial review pursuant to the provisions of the administrative procedure act.

SECTION 4. That Section 54-1406A, Idaho Code, be, and the same is hereby amended to read as follows:

54-1406A. CERTIFIED MEDICATION ASSISTANT (MA-C). (1) Effective July 1, 2008, an individual registered as a nursing assistant, without substantiated charges, on the nursing assistant registry currently maintained by the Idaho department of health and welfare, may, with additional education and training as set forth in rule as established by the board, become a certified medication assistant (MA-C) permitted to administer medications as prescribed by an authorized provider within the parameters set forth in rule. A licensed nurse shall supervise the certified medication assistant.

(2) The board shall adopt rules regarding the certification of certified medication assistants, including rules applicable to education, training and other qualifications for certification that will ensure that the certified medication assistant is competent to perform safely within the range of authorized functions.

(3) The board shall maintain a public registry of the names and addresses of all certified medication assistants.

(4) The board is authorized to impose and collect initial application and two (2) year renewal fees, as well as reinstatement fees, not to exceed one hundred dollars (\$100), as determined by board rule. Fees collected pursuant to this section shall be deposited in the state board of nursing account for the administration of examinations, evaluations and investiga-

tions of applicants, issuance of certifications, evaluation of education and training programs, duplication and verification of records, and other administrative expenses.

(5) The board shall adopt by rule an application process.

(a) The application process shall include conducting a state and federal criminal background check on all applicants seeking certification pursuant to this section.

(b) All applicants for original certification or for certification reinstatement shall submit to a fingerprint-based criminal history check of both the Idaho central criminal database and the federal bureau of investigation criminal history database. All such applicants shall submit a full set of their fingerprints and any relevant fees directly to the Idaho board of nursing for forwarding to the appropriate law enforcement agency for processing. Criminal background reports received by the board from the Idaho state police and the federal bureau of investigation shall be used only for licensing decisions and handled and disposed of in a manner consistent with requirements imposed by the Idaho state police and the federal bureau of investigation.

(c) Upon meeting all requirements and upon the successful completion of additional education, training and competency assessment prescribed by rule, an applicant shall be certified as a certified medication assistant (MA-C).

(6) A person may not use the title "certified medication assistant" or the abbreviation "MA-C" unless such person has been duly certified pursuant to this section.

(7) The board shall adopt rules governing the approval of education and training programs for certified medication assistants.

(8) The board shall set forth in rule criteria for acceptable certified medication assistant competency evaluations.

(9) (a) For any one (1) or a combination of grounds for discipline as set forth in paragraph (b) of this subsection, the board shall have the authority to:

(i) File a letter of concern if the board believes there is insufficient evidence to support direct action against a certified medication assistant;

(ii) Deny certification or recertification, suspend, revoke, place on probation, reprimand, limit, restrict, condition or accept the voluntary surrender of a certificate issued pursuant to this section if a certified medication assistant commits an act that constitutes grounds for discipline;

(iii) Refer criminal violations of this section to the appropriate law enforcement agency; and

(iv) Impose a civil penalty of not more than one hundred dollars (\$100) per violation; and

~~(v) Recover costs of investigation and disciplinary proceedings, including attorney's fees.~~

(b) Grounds for discipline shall include:

(i) Substance abuse or dependency;

(ii) Client abandonment, neglect or abuse;

(iii) Fraud or deceit, which may include, but is not limited to:

(A) Filing false credentials;

(B) Falsely representing facts on an application for initial certification, renewal or reinstatement; and

(C) Giving or receiving assistance in taking the competency evaluation;

(iv) Boundary violations;

(v) Performance of unsafe client care;

(vi) Performing acts beyond the range of authorized functions or beyond those tasks delegated under the provisions of this section;

- (vii) Misappropriation or misuse of property;
- (viii) Obtaining money or property of a client, resident or other person by theft, fraud, misrepresentation or duress committed during the course of employment as a certified medication assistant;
- (ix) Criminal conviction of a misdemeanor that directly relates to or affects the functions of a certified medication assistant or conviction of any felony as set forth in rule;
- (x) Failure to conform to the standards of a certified medication assistant;
- (xi) Putting clients at risk of harm; and
- (xii) Violating the privacy or failing to maintain the confidentiality of client or resident information.

(10) The board shall comply with the provisions of the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, in taking any disciplinary action against a certified medication assistant and shall maintain records of any such disciplinary action, which records shall be available for public inspection to the same extent as records regarding disciplinary proceedings against nurses and as otherwise consistent with chapter 1, title 74, Idaho Code. The assessment of costs and fees incurred in the investigation and prosecution or defense of a certified medication assistant shall be governed by the provisions of section 12-117(5), Idaho Code.

(11) The board shall notify the Idaho nursing assistant registry of any disciplinary action taken against a certified medication assistant pursuant to this section.

SECTION 5. That Section 54-1413, Idaho Code, be, and the same is hereby amended to read as follows:

54-1413. DISCIPLINARY ACTION. (1) Grounds for discipline. The board shall have the power to refuse to issue, renew or reinstate a license issued pursuant to this chapter, and may revoke, suspend, place on probation, reprimand, limit, restrict, condition or take other disciplinary action against the licensee as it deems proper, ~~including assessment of the costs of investigation and discipline against the licensee,~~ upon a determination by the board that the licensee engaged in conduct constituting any one (1) of the following grounds:

- (a) Made, or caused to be made, a false, fraudulent or forged statement or representation in procuring or attempting to procure a license to practice nursing;
- (b) Practiced nursing under a false or assumed name;
- (c) Is convicted of a felony or of any offense involving moral turpitude;
- (d) Is or has been grossly negligent or reckless in performing nursing functions;
- (e) Habitually uses alcoholic beverages or drugs as defined by rule;
- (f) Is physically or mentally unfit to practice nursing;
- (g) Violates the provisions of this chapter or rules and standards of conduct and practice as may be adopted by the board;
- (h) Otherwise engages in conduct of a character likely to deceive, defraud or endanger patients or the public, which includes, but is not limited to, failing or refusing to report criminal conduct or other conduct by a licensee that endangers patients;
- (i) Has been disciplined by a nursing regulatory authority in any jurisdiction. A certified copy of the order entered by the jurisdiction shall be prima facie evidence of such discipline;
- (j) Failure to comply with the terms of any board order, negotiated settlement or probationary agreement of the board, or to pay fines or costs assessed in a prior disciplinary proceeding; or

(k) Engaging in conduct with a patient that is sexual, sexually exploitative, sexually demeaning or may reasonably be interpreted as sexual, sexually exploitative or sexually demeaning; or engaging in conduct with a former patient that is sexually exploitative or may reasonably be interpreted as sexually exploitative. It would not be a violation under this subsection for a nurse to continue a sexual relationship with a spouse or individual of majority if a consensual sexual relationship existed prior to the establishment of the nurse-patient relationship.

(2) Separate offense. Each day an individual violates any of the provisions of this chapter or rules and standards of conduct and practice as may be adopted by the board shall constitute a separate offense.

(3) Proceedings.

(a) The executive director shall conduct such investigations and initiate such proceedings as necessary to ensure compliance with this section. The board may accept the voluntary surrender of a license from any nurse under investigation and accordingly enter an order revoking or suspending such license and/or imposing such conditions, limitations, or restrictions on the practice of any such nurse as may be appropriate in the discretion of the board. Otherwise, every person subject to disciplinary proceedings shall be afforded an opportunity for hearing after reasonable notice. All proceedings hereunder shall be in accordance with chapter 52, title 67, Idaho Code.

(b) Hearings shall be conducted by the board or by persons appointed by the board to conduct hearings and receive evidence. The board and any person duly appointed by the board to conduct hearings shall have all powers as are necessary and incident to orderly and effective receipt of evidence including, but not limited to, the power to administer oaths and to compel by subpoena attendance of witnesses and production of books, records and things at the hearing or at a deposition taken by a party in accordance with the Idaho rules of civil procedure. Any party shall be entitled to the use of subpoena upon application therefor.

(c) In the event any person fails to comply with a subpoena personally served upon him or refuses to testify to any matter regarding which he may be lawfully interrogated, the board shall petition the district court in the county where such failure or refusal occurred or where such person resides, to enforce such subpoena or compel such testimony. Proceedings before the district court shall be for contempt in the same nature as contempt of court for failure or refusal to comply with an order of the court and the court shall have the same powers to secure compliance with subpoena and testimony or to impose penalties as in contempt of court proceedings.

(d) The assessment of costs and attorney's fees incurred in the investigation and prosecution or defense of an administrative proceeding against a licensee under this chapter shall be governed by the provisions of section 12-117(5), Idaho Code.

(4) Probation/Subsequent review. Any order of the board entered under this section may be withheld or suspended for a probationary period to be fixed by the board upon such terms and conditions as may be appropriate in order to regulate, monitor and/or supervise the practice of nursing by the licensee subject to such order for the prescribed probationary period. Any order of the board entered under this section may be withdrawn, reversed, modified or amended upon a showing by the person subject to the order that the grounds for discipline no longer exist or that he is rehabilitated, qualified and competent to practice nursing and that he is not likely to violate this chapter or rules adopted hereunder in the future. ~~The board may, as a condition to withdrawal, reversal, modification or amendment of the order, require the person to pay all or part of the costs incurred by the board in proceedings upon which the order was entered.~~

(5) Reporting investigative information.

(a) Nothing in section 74-106(8) and (9), Idaho Code, shall be construed as limiting the authority of the board to report current significant investigative information to the coordinated licensure information system for transmission to states that are parties to any multistate agreements or compacts regarding nurse licensure.

(b) The executive director of the board may, in the administration of this chapter, share information and otherwise cooperate with government regulatory and law enforcement agencies.

SECTION 6. That Section 54-1502A, Idaho Code, be, and the same is hereby amended to read as follows:

54-1502A. NONLICENSED PERSONS -- PENALTIES AND REMEDIES. (1) The board may investigate any person engaged in the practice of optometry within the state of Idaho or any person believed to have acted as an optometrist without being duly licensed as required by this chapter. Upon receipt of a written complaint, the board shall perform an investigation of the facts alleged. If the board investigation reveals that the facts alleged or received are sufficient to proceed with formal action, the board may authorize the filing of an administrative complaint against the person and may seek injunctive relief prohibiting such person from engaging in the practice of optometry. In addition or alternatively, the board may refer violators of the provisions of this chapter for prosecution pursuant to section 54-1513, Idaho Code.

(2) Each violation of the provisions of section 54-1502, Idaho Code, shall, upon conviction, result in a fine in an amount not to exceed one thousand dollars (\$1,000), or imprisonment in the county jail for not less than thirty (30) days but not more than ninety (90) days, or by both such fine and imprisonment and, ~~in addition, shall require the payment of the cost and fees incurred in the investigation and prosecution of the violation.~~

(3) The assessment of costs and fees incurred in the investigation and prosecution or defense of a person under this section shall be governed by the provisions of section 12-117(5), Idaho Code.

SECTION 7. That Section 54-1512, Idaho Code, be, and the same is hereby amended to read as follows:

54-1512. PENALTIES AND REINSTATEMENT. (1) Upon the finding of the existence of grounds for discipline of any person holding a license, seeking a license, or renewing a license under the provisions of this chapter, the board of optometry may impose one (1) or more of the following penalties:

(a) Suspension of the offender's license for a term to be determined by the board;

(b) Revocation of the offender's license;

(c) Restriction of the offender's license to prohibit the offender from performing certain acts or from engaging in the practice of optometry in a particular manner for a term to be determined by the board;

(d) Refusal to renew offender's license;

(e) Placement of the offender on probation and supervision by the board for a period of time and under terms and conditions to be determined by the board;

(f) Imposition of an administrative fine not to exceed two thousand dollars (\$2,000) plus costs of prosecution and reasonable attorney's fees; or

(g) Written letters of censure or reprimand which shall become a permanent record in the files of the licensee.

(2) The assessment of costs and fees incurred in the investigation and prosecution or defense of a person holding a license, seeking a license, or

renewing a license under this chapter shall be governed by the provisions of section 12-117(5), Idaho Code.

(3) Any person whose license to practice optometry in this state has been suspended, revoked or restricted pursuant to this chapter, whether voluntarily or by action of the board, shall have the right, at reasonable intervals, to petition the board for reinstatement of such license. Such petition shall be made in writing and in the form prescribed by the board. Upon investigation and hearing, the board may in its discretion grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications.

(34) Nothing herein shall be construed as barring criminal prosecutions for violations of this chapter where such violations are deemed as criminal offenses in other statutes of this state or of the United States.

(45) All final decisions by the board shall be subject to judicial review pursuant to the provisions of the administrative procedure act.

SECTION 8. That Section 54-1728, Idaho Code, be, and the same is hereby amended to read as follows:

54-1728. PENALTIES AND REINSTATEMENT. (1) Upon the finding of the existence of grounds for discipline of any person or business entity holding a license or registration, seeking a license or registration, or a renewal license or registration under the provisions of this chapter, the board of pharmacy may impose one (1) or more of the following penalties:

- (a) Suspension of the offender's license or registration for a term to be determined by the board;
- (b) Revocation of the offender's license or registration;
- (c) Restriction of the offender's license or registration to prohibit the offender from performing certain acts or from engaging in the practice of pharmacy in a particular manner for a term to be determined by the board;
- (d) Refusal to renew the offender's license or registration;
- (e) Placement of the offender on probation and supervision by the board for a period to be determined by the board;
- (f) Imposition of an administrative fine not to exceed two thousand dollars (\$2,000) ~~plus costs of prosecution and administrative costs of bringing the action including, but not limited to, attorney's fees and costs and costs of hearing transcripts~~ for each occurrence providing a basis for discipline.

(2) The board may take any action against a nonresident licensee or registrant that the board can take against a resident licensee or registrant for violation of the laws of this state or the state in which it resides.

(3) The board may report any violation by a nonresident licensee or registrant, or its agent or employee, of the laws and rules of this state, the state in which it resides or the United States to any appropriate state or federal regulatory or licensing agency including, but not limited to, the regulatory agency of the state in which the nonresident licensee or registrant is a resident.

(4) The board may elect to not initiate an administrative action under Idaho law against a nonresident licensee or registrant upon report of a violation of law or rule of this state if the licensee's or registrant's home state commences an action for the violation complained of; provided however, that the board may elect to initiate an administrative action if the home state action is unreasonably delayed or the home state otherwise fails to take appropriate action for the reported violation.

(5) The suspension, revocation, restriction or other action taken against a licensee or registrant by a state licensing board with authority over a licensee's or registrant's professional license or registration or by the drug enforcement administration may result in the board's issuance of

an order likewise suspending, revoking, restricting or otherwise affecting the license or registration in this state, without further proceeding, but subject to the effect of any modification or reversal by the issuing state or the drug enforcement administration.

(6) The assessment of costs and fees incurred in the investigation and prosecution or defense of a person holding a license or registration, seeking a license or registration, or renewing a license or registration under this chapter shall be governed by the provisions of section 12-117(5), Idaho Code.

(7) Any person whose license to practice pharmacy in this state has been suspended, revoked or restricted pursuant to this chapter, or any drug outlet whose certificate of registration has been suspended, revoked or restricted pursuant to this chapter, whether voluntarily or by action of the board, shall have the right, at reasonable intervals, to petition the board for reinstatement of such license. Such petition shall be made in writing and in the form prescribed by the board. Upon investigation and hearing, the board may in its discretion grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications.

(78) Nothing herein shall be construed as barring criminal prosecutions for violations of the act where such violations are deemed as criminal offenses in other statutes of this state or of the United States.

(89) All final decisions by the board shall be subject to judicial review pursuant to the procedures of the administrative procedure act.

SECTION 9. That Section 54-1732, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) Reinstatement of a certificate that has been suspended, revoked or restricted by the board may be granted in accordance with the procedures specified in section 54-1728(67), Idaho Code.

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

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

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

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

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

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

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

(i) The sale, transfer, merger or consolidation of all or part of the business of a pharmacy or pharmacies from or with another pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets.

(ii) The sale of minimal quantities of prescription drugs to practitioners for office use.

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

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

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

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

(g) It is unlawful to:

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

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

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

(iv) For the purpose of obtaining a legend drug to falsely assume the title of, or represent himself to be, a manufacturer, whole-

salers, pharmacist, physician, dentist, veterinarian or other person.

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

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

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

Every violation of paragraph (g) (i) through (vi) of this subsection shall be a misdemeanor, and any person convicted thereof shall be incarcerated in the county jail for a term not to exceed one (1) year, or fined not more than one thousand dollars (\$1,000), or punished by both such fine and imprisonment. Any person violating paragraph (g) (vii) of this subsection is guilty of a felony and on conviction thereof shall be imprisoned in the state penitentiary for a term not to exceed three (3) years, or punished by a fine of not more than five thousand dollars (\$5,000), or by both such fine and imprisonment.

(4) Provided however, that a veterinarian may dispense or deliver a legend drug prescribed for an animal upon the prescription, drug order, or prescription drug order of another veterinarian. The label shall be affixed pursuant to subsection (3) (a) (ii) of this section, and penalties for violations of the provisions of this subsection shall be as provided in this section for like violations by a pharmacist.

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

SECTION 10. That Section 54-1806, Idaho Code, be, and the same is hereby amended to read as follows:

54-1806. POWERS AND DUTIES. The board shall have the authority to:

(1) Hire or appoint employees, including an executive director, investigators, attorneys, consultants and independent hearing examiners.

(2) Establish pursuant to the administrative procedure act rules for administration of this chapter, including rules governing all activities of persons employed as physician's assistants by persons licensed to practice medicine in this state. The board shall adopt rules pursuant to the administrative procedure act establishing procedures for the receipt of complaints and for the investigation and disposition thereof. Such rules shall provide for notice to a person when the board has authorized the committee to investigate that person and shall provide an opportunity for a person under investigation to meet with the committee or its staff before the initiation of formal disciplinary proceedings by the board.

(3) Conduct investigations and examinations and hold hearings as authorized by this section and by section 54-1806A, Idaho Code.

(4) The board shall have the power in any investigation or disciplinary proceeding pursuant to this chapter to administer oaths, take depositions of witnesses within or without the state in the manner consistent with rules adopted by the board pursuant to the administrative procedure act, and upon a determination that there is good cause the board 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 deem appropriate for any investigation, deposition or hearing. For that purpose the board may issue a subpoena for any witnesses or a subpoena duces tecum to compel the produc-

tion 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 criminal case is served and returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, which fees and mileage shall be paid from any funds in the state treasury in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the district court of any county in this state in which such disobedience, neglect or refusal occurs, or any judge thereof, on application by the board to compel compliance with the subpoena by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused in such formal contested case shall have the same right of subpoena upon making application to the board therefor.

(5) Seek injunctive relief prohibiting the unlawful practice of medicine.

(6) Make and enter into contracts.

(7) Operate, manage, superintend and control the licensure of physicians.

(8) Develop and submit a proposed budget setting forth the amount necessary to perform its functions.

(9) Perform such other duties as set forth in the laws of this state.

(10) Provide such other services and perform such other functions as are necessary to fulfill its responsibilities.

~~(11) Provide for reasonable fees through rules for administrative costs and assess costs reasonably and necessarily incurred in the enforcement of this chapter when a licensee has been found to be in violation of the provisions of this chapter.~~ Apply the provisions of section 12-117(5), Idaho Code, regarding the assessment of costs and fees incurred in the investigation and prosecution or defense of a licensee under this chapter.

(12) Prepare an annual report.

(13) Share with the department of labor personal identifying information of persons licensed under the provisions of this chapter necessary for the department of labor to identify workforce shortage areas in Idaho. The information provided to the department of labor concerning any person licensed under this chapter shall remain confidential and not subject to public disclosure, as required in section 74-106, Idaho Code.

SECTION 11. That Section 54-1914, Idaho Code, be, and the same is hereby amended to read as follows:

54-1914. ADMINISTRATIVE ENFORCEMENT PROCEEDINGS. (1) The administrator may upon his own motion or at the direction of the board, and shall upon the verified complaint in writing of any person, investigate the actions of any public works contractor within the state and may undertake to reclassify, retype, place on probation, defer or precondition licensure, impose an administrative fine not to exceed twenty thousand dollars (\$20,000) per violation, ~~impose the administrative costs of bringing the action including, but not limited to, hearing officer fees, expert witness fees, attorney's fees, costs of hearing transcripts and copies,~~ temporarily suspend or permanently revoke any license if the holder, while a licensee or applicant hereunder, is guilty of or commits any one (1) or more of the following acts or omissions:

(a) Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor-;

(b) Diversion of funds or property received under express agreement for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of any construction project or operation, and their application or use for any other construction project or operation, obligation or purpose, with intent to defraud or deceive creditors or the owner-;

(c) Willful departure from or disregard of, plans or specifications in any material respect, and prejudicial to another, without consent of the owner or his duly authorized representative, and without the consent of the person entitled to have the particular construction project or operation completed in accordance with such plans and specifications-;

(d) Willful or deliberate disregard and violation of valid building laws of the state, or of any political subdivision thereof, or of the safety laws or labor laws or compensation insurance laws of the state-;

(e) Misrepresentation of a material fact by an applicant in obtaining a license-;

(f) Aiding or abetting an unlicensed person to evade the provisions of this chapter or conspiring with an unlicensed person, or allowing one's license to be used by an unlicensed person, or acting as agent or partner or associate or otherwise of an unlicensed person with the intent to evade the provisions of this chapter-;

(g) Failure in any material respect to comply with the provisions of this chapter-;

(h) Acting in the capacity of a contractor under any license issued hereunder except: (1) in the name of the licensee as set forth upon the license-; or (2) in accordance with the personnel of the licensee as set forth in the application for such license, or as later changed as provided in this chapter-;

(i) Knowingly accepting a bid from or entering into a contract with another contractor for a portion of a public works project if at that time such contractor does not possess the appropriate license to do that work as provided in this chapter-;

(j) Willful failure or refusal without legal excuse on the part of a licensee as a contractor to finish a construction project or operation with reasonable diligence, causing material injury to another-;

(k) Willful or deliberate failure by any licensee, or agent or officer thereof, to pay any moneys when due, for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient funds therefor as payment for the particular construction work, project or operation for which the services or materials were rendered or purchased; or denial of any such amount due or the validity of the claim thereof with intent to secure for himself, his employer, or other person any discount upon such indebtedness or with intent to hinder, delay or defraud the person to whom such indebtedness is due-;

(l) Suffers a change in financial circumstances which may impair the licensee's financial responsibility-;

(m) Holding oneself or one's firm out as a public works contractor by engaging in any act meeting the definition or character of a public works contractor as defined herein without a legally required license-;

or

(n) Failure to comply with subsection (1), (2) or (3) of section 67-2310, Idaho Code.

(2) The administrator may upon his own motion or at the direction of the board, and shall upon the verified complaint in writing of any licensed public works contractor eligible to perform public works contracting duties, investigate the actions of any public entity within the state and may impose an administrative fine not to exceed five thousand dollars (\$5,000) per vi-

olation or ~~impose the administrative costs of bringing the action including, but not limited to, hearing officer fees, expert witness fees, attorney's fees, costs of hearing transcripts and copies,~~ if the public agency contracts for public works construction with an unlicensed or improperly licensed contractor or knowingly awards a contract based upon a bid or proposal not in compliance with subsection (1) or (2) of section 67-2310, Idaho Code.

(3) The assessment of costs and fees incurred to investigate and prosecute or defend a complaint under this section shall be governed by the provisions of section 12-117(5), Idaho Code.

SECTION 12. That Section 54-2059, Idaho Code, be, and the same is hereby amended to read as follows:

54-2059. DISCIPLINARY POWERS -- REVOCATION, SUSPENSION OR OTHER DISCIPLINARY ACTION. (1) The commission may temporarily suspend or permanently revoke licenses issued under the provisions of this chapter, issue a formal reprimand and impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000), ~~and assess costs and attorney's fees for the cost of any investigation and administrative or other proceedings~~ against any licensee who is found to have violated any section of the Idaho Code, the commission's administrative rules or any order of the commission. The executive director may issue informal letters of reprimand to licensees without civil penalty or cost assessment.

(2) The commission may impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000) and assess costs and attorney's fees for the cost of any investigation and administrative or other proceedings against any person who is found, through a court or administrative proceeding, to have acted without a license in violation of section 54-2002, Idaho Code. The civil penalty provisions of this section are in addition to and not in lieu of any other actions or criminal penalties for acting as a broker or salesperson without a license which might be imposed by other sections of this chapter or Idaho law.

(3) The commission may also accept, on such conditions as it may prescribe, or reject any offer to voluntarily terminate the license of a person whose activity is under investigation or against whom a formal complaint has been filed.

(4) The assessment of fees and costs incurred in the investigation and prosecution or defense of a licensee or other person under this section shall be governed by the provisions of section 12-117(5), Idaho Code.

(25) If the commission suspends or revokes a license, or imposes a civil penalty, or assesses costs and attorney's fees, the commission may withhold execution of the suspension, revocation or civil penalty, or costs and attorney's fees on such terms and for such time as it may prescribe.

(36) If any amounts assessed against a defendant by final order of the commission become otherwise uncollectible or payment is in default, and only if all the defendant's rights to appeal have passed, the commission may then proceed to district court and seek to enforce collection through judgment and execution.

(47) All civil penalties, costs, and attorney's fees collected by the commission under this chapter shall be deposited in the state treasury to the credit of the special real estate fund established by section 54-2021, Idaho Code. Any amounts of civil penalties so collected, deposited and credited shall be expended for exclusive use in developing and delivering Idaho real estate education.

SECTION 13. That Section 54-2118, Idaho Code, be, and the same is hereby amended to read as follows:

54-2118. VIOLATIONS OF CHAPTER -- REMEDIES AND PENALTIES. In addition to the disciplinary actions set forth in section 54-2115, Idaho Code:

(1) Administrative actions.

(a) Any person violating the provisions of this chapter, or violating a rule promulgated by the board to implement the provisions of this chapter, may be fined by the board or its duly authorized agent not more than five thousand dollars (\$5,000) for each offense and ~~shall be liable for investigatory expenses and reasonable paralegal and attorney's fees, and;~~ provided that each act on each day of violation shall constitute a separate offense. Imposition of a fine may be made in conjunction with any other board administrative action. No fine may be assessed unless the person charged was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act. If a person fined fails to fully pay the fine, investigatory expenses or reasonable paralegal and attorney's fees, the board may recover such amount by action in the appropriate district court. Any assessment for costs and attorney's fees incurred in the investigation and prosecution or defense of a person under this chapter shall be governed by the provisions of section 12-117(5), Idaho Code.

(b) The board may establish alternatives to formal disciplinary action for violations of this chapter or board rules that may include a practice remediation program to educate and remediate licensees and certificate holders as a result of practice deficiencies. An alternative to formal discipline may be offered by the board's liaison officer to a licensee or certificate holder when the officer has determined, in his sound discretion, after consultation with and approval of the board president or vice president if the president is unavailable, that animal and public safety will not be compromised and the violation can most appropriately be resolved without formal discipline. To further the purposes of an alternative to discipline, it will be offered only by or through the liaison officer and, unless the person violates its terms, the full board will not be informed of the alternative to discipline or have to expressly approve its terms. An alternative to formal discipline shall not be available and may not be offered by the liaison officer in any of the following circumstances:

- (i) Within the preceding five (5) years, the person has been formally disciplined by the board or been the subject of an alternative to discipline under this subsection;
- (ii) The person is currently on probation by the board;
- (iii) The person is currently under investigation by the board for any other offense;
- (iv) Felony charges are pending against the person, or the person is the subject of a current criminal investigation involving allegations that, if verified, may reasonably be expected to affect the person's qualifications or eligibility to remain licensed or certified under this chapter; or
- (v) The act or omission committed by the person:
 - 1. Caused significant harm to an animal;
 - 2. Created a substantial risk likely to cause significant harm to an animal; or
 - 3. Involved fraud or deception.

Among other terms and conditions, an alternative to formal discipline may require the licensee or certificate holder to comply with the instructions of the board's liaison officer on remedying the violation, pay a monetary civil penalty to the board of up to one thousand dollars

(\$1,000) and pay all board investigative expenses and costs associated with the file, if warranted under section 12-117(5), Idaho Code.

Upon successful completion of the terms and conditions of the alternative to discipline, the violation shall not be considered "discipline," shall not be reported to any national disciplinary database, and documents and records related to the violation shall be exempt from disclosure under chapter 1, title 74, Idaho Code.

(2) Civil court proceedings. The board, the attorney general's office, a county prosecuting attorney or any citizen of this state may bring an action in the district court of either Ada county or any county where a violation is occurring, to enjoin any person from practicing veterinary medicine or practicing as a certified veterinary technician, certified euthanasia technician or any agency operating as a certified euthanasia agency without a currently valid, active license, certification, temporary permit or temporary certification. If the court finds that the person is violating the provisions of this chapter, it shall enter an injunction restraining that person from such unlawful acts.

(3) Criminal actions. Any person who practices veterinary medicine, any person practicing as a certified veterinary technician, a certified euthanasia technician or any agency operating as a certified euthanasia agency without a currently valid, active license, certification, temporary permit or temporary certification shall be guilty of a misdemeanor and upon conviction or withheld judgment shall be fined not less than one hundred dollars (\$100), nor more than ten thousand dollars (\$10,000), or incarcerated for no more than one hundred eighty (180) days, or both fined and incarcerated, and provided that each act of such unlawful practice shall constitute a distinct and separate offense.

(4) The remedies set forth in this section are not mutually exclusive and a successful action on any one (1) remedy does not preclude action on some or all of the other remedies.

SECTION 14. That Section 54-2220, Idaho Code, be, and the same is hereby amended to read as follows:

54-2220. DISCIPLINE ACTIONS AND PROCEDURES. (1) The board shall regulate the practice of physical therapy in the state of Idaho. The board is authorized to institute any investigation, hearing or other legal proceeding necessary to effect compliance with this chapter.

(2) The board or its hearing officer, upon a finding that action is necessary, shall have the power pursuant to this chapter to administer oaths, take depositions of witnesses within or without the state in the manner provided by the administrative rules adopted by the board, 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 at any hearing 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. The board may require a licensee to be examined to determine his or her mental or physical competence when the board has probable cause to believe the licensee is suffering from an impairment that might impede his or her ability to practice competently.

(3) When it is brought to the attention of the board by the written statement of any person that a person licensed under this chapter has done any act or thing in violation of any provision of this chapter, the board shall immediately make an investigation of such person, and, if the board finds that there is probable cause to institute proceedings against such person, it shall without unnecessary delay transmit to that person by mail, a copy of the charges and shall fix a day for a hearing upon the matter. Said

hearing shall be conducted in accordance with chapter 52, title 67, Idaho Code, and with the administrative rules adopted by the board.

(4) An assessment for costs and attorney's fees incurred in the investigation and prosecution or defense of a person under this section shall be governed by the provisions of section 12-117(5), Idaho Code.

(5) The board may investigate any person to the extent necessary to determine if the person is engaged in the unlawful practice of physical therapy. If an investigation indicates that a person may be practicing physical therapy unlawfully, the board shall inform the person of the alleged violation. The board may refer the matter for prosecution whether or not the person ceases the unlawful practice of physical therapy.

(56) The board may, in the name of the people of the state of Idaho, apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing any act in violation of this chapter. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided for in this chapter.

SECTION 15. That Section 54-2221, Idaho Code, be, and the same is hereby amended to read as follows:

54-2221. DISCIPLINARY ACTIONS -- PENALTIES. The board may, upon proof that a person has violated any provision contained in this chapter, take the following disciplinary actions singly or in combination:

(1) Issue a censure or reprimand by informal admonition for minor misconduct found by the board, which censure or reprimand shall be subject to disclosure according to chapter 1, title 74, Idaho Code;

(2) Impose restrictions and/or conditions as to scope of practice, place of practice, supervision of practice, duration of licensed status, or type or condition of patient or client served. The board may require a licensee to report regularly to the board on matters regarding the restricted license;

(3) Suspend a license, the duration of which shall be determined by the board;

(4) Revoke a license;

(5) Refuse to issue or renew a license;

(6) Impose a reasonable fine for violation of this chapter in an amount not to exceed a maximum amount as set forth in the administrative rules adopted by the board;

(7) Accept a voluntary surrender of a license;

(8) Assess costs and attorney's fees against a licensee for any investigation and/or administrative proceeding, pursuant to the provisions of section 12-117(5), Idaho Code.

SECTION 16. That Section 54-2925, Idaho Code, be, and the same is hereby amended to read as follows:

54-2925. DISCIPLINARY ACTIONS -- PENALTIES. (1) The board, upon receipt of a recommendation received from the licensure board that a person has violated any provision of this chapter, may take the following disciplinary actions singly or in combination:

(1a) Issue a formal reprimand;

(2b) Require additional education as a requirement for continued practice;

(3c) Impose restrictions and/or conditions as to scope of practice, place of practice, supervision of practice, duration of license status, or type or condition of client served. The board may require a licensee to report regularly to the board on matters regarding the restricted license;

(4d) Suspend a license, the duration of which shall be determined by the board;

(5e) Revoke a license;

(6f) Refuse to issue or renew a license; or

(7g) Impose a fine not to exceed one thousand dollars (\$1,000) for each violation of this chapter; ~~or.~~

~~(82) Assess~~ The assessment of costs and attorney's fees against a licensee for any investigation and/or and prosecution or defense in an administrative proceeding against a licensee shall be governed by the provisions of section 12-117(5), Idaho Code.

SECTION 17. That Section 54-3113, Idaho Code, be, and the same is hereby amended to read as follows:

54-3113. INVESTIGATION OF VIOLATIONS -- HEARING. The board shall, upon a verified complaint in writing by any member of the board or by a certified shorthand reporter or any person claiming to have been injured or defrauded, investigate the actions of any certified shorthand reporter alleged to have committed a violation of this chapter or any of the grounds for revocation or suspension of a certificate. For the purpose of such investigations and hearings, each member of the board is empowered to administer oaths and affirmations, subpoena witnesses, and hear and receive evidence anywhere in the state. Upon conclusion of the hearings, the board shall determine by majority vote whether the certificate of the certified shorthand reporter should be revoked or suspended for a stated period of time, or whether such disciplinary action short of suspension or revocation should be imposed, including, but not limited to, conditional probationary periods and the imposition of fines and ~~costs~~, or whether the complaint should be dismissed. The proceedings and hearings pursuant to this section shall be governed by chapter 52, title 67, Idaho Code. The assessment of costs and attorney's fees shall be governed by the provisions of section 12-117(5), Idaho Code.

SECTION 18. That Section 54-3720, Idaho Code, be, and the same is hereby amended to read as follows:

54-3720. PENALTIES AND DISCIPLINARY ACTIONS. (1) Any person who violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor.

(2) In addition to the penalties provided for in subsection (1) of this section, the board may impose separately, or in combination, any of the following disciplinary actions on a licensee as provided in this chapter:

(a) Refuse to issue or renew a license;

(b) Suspend or revoke a license;

(c) Impose probationary conditions;

(d) Issue a letter of reprimand or concern;

(e) Require restitution of fees;

(f) Impose a fine as provided for by rule ~~which that~~ deprives the licensee of any economic advantage gained by the violation and which reimburses the board for costs of the investigation and proceeding;

(g) Impose practice and/or supervision requirements;

(h) Require licensees to participate in continuing competence activities specified by the board;

(i) Accept a voluntary surrendering of license; or

(j) Take other appropriate corrective actions, including advising other parties, as needed, to protect their legitimate interests and to protect the public.

(3) The assessment of costs and attorney's fees incurred in an investigation and prosecution or defense in an administrative proceeding against

a licensee shall be governed by the provisions of section 12-117(5), Idaho Code.

(4) If the board imposes suspension or revocation of license, application may be made to the board for reinstatement, subject to the limits of this chapter. The board shall have discretion to accept or reject an application for reinstatement and may require an examination or other satisfactory proof of eligibility for reinstatement.

(45) If a licensee is placed on probation, the board may require the licensee holder to:

(a) Report regularly to the board on matters that are the basis of probation;

(b) Limit practice to the areas prescribed by the board;

(c) Continue to review continuing competence activities until the licensee holder attains a degree of skill satisfactory to the board in those areas that are the basis of the probation; or

(d) Provide other relevant information to the board.

(56) (a) The board is empowered to apply for relief by injunction, without bond, to restrain any person, partnership, or corporation from any threatened or actual act or practice, ~~which that~~ constitutes an offense under the provisions of this chapter. It shall not be necessary for the board to allege and prove that there is no adequate remedy at law in order to obtain the relief requested. The members of the board shall not be individually liable for applying for such relief.

(b) If a person other than a licensed occupational therapist or occupational therapy assistant threatens to engage in or has engaged in any act or practice ~~which that~~ constitutes an offense under the provisions of this chapter, a district court of any county on application of the board may issue an injunction or other appropriate order restraining such conduct.

SECTION 19. That Section 54-3913, Idaho Code, be, and the same is hereby amended to read as follows:

54-3913. BOARD OF MEDICINE AND BOARD OF ATHLETIC TRAINERS -- POWERS AND DUTIES. (1) The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications and fitness of applicants, and approve the applications for licensure under this chapter, and may issue subpoenas, examine witnesses, and administer oaths, and may investigate practices which are alleged to violate the provisions of this chapter. The board of athletic trainers shall evaluate all applicants for qualification and fitness for licensure and make recommendations to and consult with the board concerning issuance of licenses, revocation of licenses and rules to be promulgated under this chapter.

(2) The board shall, upon recommendation of the board of athletic trainers, adopt rules 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, rules relating to professional licensure and to the establishment of ethical standards of practice, disciplinary proceedings, refusal to renew license proceedings, license suspension proceedings, or license revocation proceedings for persons licensed to practice as an athletic trainer in this state.

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

(4) Every person licensed as an athletic trainer in Idaho shall be subject to discipline pursuant to the powers set forth in this chapter and the rules of the board of medicine promulgated pursuant thereto. The board of athletic trainers shall have no authority to impose sanctions or limitations or conditions on licenses issued under this chapter and shall be authorized

only to make recommendations to the board with respect thereto. Members of the board of athletic trainers shall disqualify themselves and, on motion of any interested party, may on proper showing, be disqualified in any proceeding concerning which they have an actual conflict of interest or bias which interferes with their fair and impartial service.

(5) In addition to its other powers, the board of athletic trainers shall be empowered and authorized:

(a) To recommend that the board reprimand by informal admonition any licensed athletic trainer respecting any matter it finds is minor misconduct. Such reprimand shall be subject to disclosure according to chapter 1, title 74, Idaho Code.

(b) To recommend that the board order, for good cause, nondisciplinary suspension or transfer to inactive status of any licensed athletic trainer incapacitated by illness, senility, disability, or addiction to drugs, intoxicants or other chemical or like substances, and to provide terms and conditions therefor, including provisions and conditions controlling reinstatement and any request therefor; provided, this paragraph shall not be construed to amend or repeal specific legislation expressly dealing with disabled athletic trainers whether heretofore or hereafter enacted by the legislature of the state of Idaho, but rather shall be construed as complementary thereto.

(c) To recommend that the board accept the resignation and surrender of the license of any athletic trainer under investigation or prosecution who tenders the same, and to impose terms and conditions in connection therewith as it may deem appropriate in the best interests of the public and of justice.

(d) To recommend that the board provide by order for reciprocal discipline in cases involving a licensed athletic trainer or applicant disciplined in any other jurisdiction, provided that such licensee or applicant shall be entitled to appear and show cause why such order should not apply in his or her case.

(e) To recommend that the board provide for reasonable fees through rules for administrative costs and ~~assess costs reasonably and necessarily incurred in the enforcement of this chapter when a licensee or applicant has been found to be in violation of this chapter.~~

(6) The assessment of attorney's fees and costs incurred in an investigation and prosecution or defense in an administrative proceeding against a licensee under this chapter shall be governed by the provisions of section 12-117(5), Idaho Code.

SECTION 20. 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 licenses to act as its agent, to act in its interest and, in its discretion, to contract with the bureau of occupational 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 21. That Section 54-5215, Idaho Code, be, and the same is hereby amended to read as follows:

54-5215. AUTHORITY TO INVESTIGATE AND DISCIPLINE -- SUSPENSION OR REVOCATION OF REGISTRATION. (1) The board may investigate any person engaged in contracting within the state of Idaho, or any person believed to have acted as a contractor without being duly registered as required by this chapter. Upon receipt of a written complaint from a person who claims to have been injured or defrauded by such person, or upon information received by the board, the board shall perform an investigation of the facts alleged against such person. If the board investigation reveals that the facts alleged or received are sufficient to proceed with a formal action, the board may authorize the filing of an administrative complaint against such person and may seek injunctive relief prohibiting such person from engaging in construction.

(2) The board shall have the authority to issue informal letters of reprimand, suspend or revoke a registration, impose a civil penalty in an amount not to exceed one thousand dollars (\$1,000), ~~recover the costs and fees incurred in an investigation and prosecution,~~ or to issue a formal reprimand against any registered contractor if, after an opportunity for a hearing, the board determines that:

(a) A contractor has violated any of the provisions of this chapter including, but not limited to, failure to keep current or provide insurance coverage as required by this chapter;

(b) A contractor has violated any of the provisions of chapter 6, title 48, Idaho Code, relating to consumer protection including, but not limited to, making fraudulent misrepresentations to consumers;

(c) A contractor employed fraud or deception, made a misrepresentation or misstatement, or employed any unlawful means in applying for or securing registration as a contractor;

(d) A contractor employed fraud or deception, made a misrepresentation or misstatement, or employed any unlawful means in applying for or securing a building permit or other permits for construction of any type;

(e) A contractor failed to pay the required fee for registration as provided in this chapter;

(f) A contractor has been convicted of or has engaged in conduct constituting a violation of public laws, ordinances or rules of this state, or any subdivision thereof, relevant to contracting, reflecting on the registered contractor's ability or qualifications to continue

contracting for other persons, and making the registered contractor a threat to the public safety, health or well-being;

(g) A contractor has engaged in any other conduct whether of the same or a different character than hereinabove specified which constitutes dishonest or dishonorable dealings;

(h) A contractor was grossly negligent or reckless in his conduct in the performance of construction. For purposes of this chapter, conduct is grossly negligent or reckless if, when taken as a whole, it is conduct which substantially fails to meet the generally accepted standard of care in the practice of construction in Idaho;

(i) A contractor had a license, registration or certification revoked, suspended or refused by this or another state, territory, incorporated municipality, county, alternative form of local government, or other municipal or political corporation or subdivision of this or another state, or omitted such information from any application to the board, or failed to divulge such information when requested by the board;

(j) A contractor has been adjudged mentally incompetent by a court of competent jurisdiction; or

(k) A contractor interfered with an investigation or disciplinary proceeding by a willful misrepresentation of facts or by the use of threats or harassment against any person to prevent such person from providing evidence in a disciplinary proceeding, investigation or other legal action instituted in accordance with this chapter.

(3) A contractor whose registration has been revoked or suspended shall be required to return his certificate of registration within the time determined by the board or, upon a failure to do so, shall be liable for civil penalties as set by the board but not to exceed fifty dollars (\$50.00) per day for each day the certificate is not returned after the expiration of the period allowed.

(4) The suspension or revocation of a registration shall be considered a contested case as provided for in chapter 52, title 67, Idaho Code, and shall be subject to the provisions of that chapter as well as the administrative rules adopted by the board governing contested cases.

(5) The assessment of attorney's fees and costs incurred in the investigation and prosecution or defense of a person under this section shall be governed by the provisions of section 12-117(5), Idaho Code.

SECTION 22. 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:

(1a) 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;

(2b) To establish by rule and collect fees as prescribed by this chapter;

(3c) To maintain records necessary to carry out its duties under this chapter;

(4d) 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;

(5e) 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;

(6f) 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;

(7g) Establish requirements for reinstatement and renewal of licenses;
 (8h) 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;

(9i) 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

~~(10) The board may recover the actual costs and fees, including attorney's fees, incurred by the board in the investigation and prosecution of a licensee upon the finding of a violation of this chapter or a rule adopted or an order issued by the board under this chapter;~~

(11j) To take such action as may be necessary to enforce the provisions of this chapter and to regulate the practice of genetic counseling;

(12) 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; and.

~~(13) To~~ The board may authorize, by written agreement, the bureau of occupational licenses as its agent to act in its interest and, in its discretion, to contract with the bureau of occupational 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 23. That Section 67-2601A, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601A. DIVISION OF BUILDING SAFETY. (1) The division of building safety will be headed by an administrator appointed by and serving at the will of the governor. The division administrator, deputy administrators and regional managers shall be nonclassified employees exempt from the provisions of chapter 53, title 67, Idaho Code.

(2) The administrator shall administer the following provisions and shall perform such additional duties as are imposed on him by law: chapter 41, title 39, Idaho Code, relating to the building code board; chapter 40, title 39, Idaho Code, relating to manufactured homes; chapter 43, title 39, Idaho Code, relating to factory built structures; 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 licensing of 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 heating, ventilation and air conditioning systems; chapter 80, title 39, Idaho Code, relating to school building safety; chapter 589, 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.

(3) The administrator shall also have the authority to perform safety inspections and safety training programs for logging operations in Idaho.

(a) When an inspection reveals evidence of a condition that poses an immediate threat of serious bodily harm or loss of life to any person, the administrator may issue an order to immediately stop the work or close the facility or site where the threat exists. The safety order shall not be rescinded until after the threat has been corrected or removed.

(b) The safety order may be enforced by the attorney general in a civil action brought in the district court for the county wherein the hazardous work site or facility is located.

(c) Any person who knowingly fails or refuses to comply with such an order is guilty of a misdemeanor.

(d) The administrator shall promulgate rules adopting minimum logging safety standards and procedures for conducting inspections and safety training.

(4) In addition to safety inspections of state-owned public buildings conducted under chapter 23, title 67, Idaho Code, the administrator may conduct safety inspections of buildings owned or maintained by political subdivisions of the state upon receipt of a written request from the governing body of that political subdivision, subject to the availability of division resources and the requesting entity's agreement to pay the division's current fees for such an inspection.

(a) The findings of the inspection shall be reported to the governing body of the political subdivision.

(b) The administrator may promulgate rules adopting minimum safety standards and procedures for conducting such inspections, as well as fees for performing the same.

(c) For purposes of this section, "political subdivision" means any governmental unit or special district of the state of Idaho other than public school districts.

(5) In administering the laws regulating professions, trades and occupations that are devolved for administration upon the division, 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; pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities; prescribe rules for a fair and impartial method of examination of candidates to exercise the respective professions, trades or occupations; issue registrations, licenses and certificates; and until fees are established in rule, the administrator shall charge a fee of seventy-five dollars (\$75.00) for each examination administered;

(c) Conduct hearings on proceedings to discipline, renew or reinstate licenses, certificates or authorities of persons exercising the respective professions, trades or occupations; appoint hearing officers, administer oaths, issue subpoenas, and compel the attendance of witnesses; revoke, suspend, refuse to renew, or take other disciplinary action against such licenses, certifications or authorities; and prescribe rules to ~~reeover~~ assess costs and fees incurred in the investigation and prosecution or defense of any certificate holder, licensee or registrant of the division, its boards, bureaus and programs, 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 the laws and rules of the boards, bureaus and programs the division administers;

(d) Assess civil penalties as authorized;

(e) Promulgate rules establishing: a coordinated system for the issuance, renewal, cancellation and reinstatement of licenses, certificates, registrations and permits; assessment of all related fees; the terms by which fees may be prorated, if any; and procedures for the replacement of lost or destroyed licenses, certificates or registrations; and

(f) Promulgate other rules as may be necessary for the orderly administration of the chapters specified in subsection (2) of this section, except for those related to underground facilities damage prevention contained in chapter 22, title 55, Idaho Code, and such rules as may otherwise be required by those chapters as well as rules for the standardization of operating procedures.

(6) Notwithstanding any law governing any specific board, bureau or program comprising the division of building safety, each board member shall hold office until a successor has been duly appointed and qualified.

(7) The administrator shall have the authority to employ individuals, make expenditures, enter into contracts, require reports, make investigations, travel, and take other actions deemed necessary.

SECTION 24. That Section 67-2602, Idaho Code, be, and the same is hereby amended to read as follows:

67-2602. BUREAU OF OCCUPATIONAL LICENSES. (1) The bureau of occupational licenses created in the department of self-governing agencies by section 67-2601, Idaho Code, shall be empowered, by written agreement between the bureau and each agency for which it provides administrative or other services as provided by law, to provide such services for the board of acupuncture, board of architectural examiners, athletic commission, board of barber examiners, certified shorthand reporters board, board of chiropractic physicians, Idaho contractors board, board of cosmetology, licensing board of professional counselors and marriage and family therapists, state board of dentistry, drinking water and wastewater professionals, state driving businesses licensure board, Idaho board of massage therapy, Idaho board of registration for professional geologists, speech and hearing services licensure board, physical therapy licensure board, board of landscape architects, liquefied petroleum gas safety board, board of morticians, board of naturopathic medical examiners, board of examiners of nursing home administrators, occupational therapy licensure board, board of optometry, board of podiatry, board of psychologist examiners, real estate appraiser board, board of examiners of residential care facility administrators, board of social work examiners, board of midwifery and such other professional and occupational licensing boards or commodity commissions as may request such services. The bureau may charge a reasonable fee for such services provided any agency not otherwise provided for by law and shall maintain proper accounting methods for all funds under its jurisdiction.

(2) Notwithstanding the statutes governing specific boards, for any board that contracts with the bureau of occupational licenses, each board member shall hold office until a successor has been duly appointed and qualified.

(3) The department of self-governing agencies, by and through the bureau of occupational licenses, shall be empowered to provide administrative or other services for the administration of chapter 48, title 54, Idaho Code, to issue, suspend, revoke or refuse to renew licenses and certificates, to issue subpoenas, to prescribe and impose fees and to assess administrative penalties pursuant to the provisions of chapter 48, title 54, Idaho Code.

(4) Agencies that contract with the bureau of occupational licenses for administrative services may assess and the bureau may collect costs, fees and attorney's fees reasonably incurred in the investigation and prosecution or defense of a licensee or registrant ~~who is found to have violated the laws or rules of the agency,~~ pursuant to the provisions of section 12-117(5), Idaho Code.

SECTION 25. That Section 67-2609, Idaho Code, be, and the same is hereby amended to read as follows:

67-2609. REGISTRATION OF OCCUPATIONS. (a) The bureau of occupational licenses shall, wherever the several laws regulating professions, trades and occupations which are devolved upon the bureau for administration so require or pursuant to written agreement as provided in section 67-2604, Idaho Code, exercise, in its name, or as authorized agent, but subject to the provisions of this chapter, the following powers:

(1) To conduct examinations to ascertain the qualifications and fitness of applicants to exercise the profession, trade or occupation for which an examination is held; to pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities;

(2) To prescribe rules for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades or occupations;

(3) To prescribe rules defining, for the respective professions, trades and occupations, what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing and to determine the reputability and good standing of a school, college or university, or department of a university, or other institution, by reference to a compliance with such rules;

(4) To establish a standard of preliminary education deemed requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities;

(5) To conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons exercising the respective professions, trades or occupations, and to revoke or refuse to renew such licenses, certificates or authorities;

(6) To formulate rules for adoption by the boards allowing the boards to recover assess costs and fees incurred in the investigation and prosecution or defense of a licensee in accordance with the provisions of section 12-117(5), Idaho Code, and with the contested case provisions of chapter 52, title 67, Idaho Code, for an alleged violation of laws or rules of the boards;

(7) To formulate rules for adoption by the boards establishing a schedule of civil fines which may be imposed upon a licensee prosecuted in accordance with the contested case provisions of chapter 52, title 67, Idaho Code, for a violation of laws or rules of the boards. Any civil fine collected by a board for a violation of its laws or rules shall not exceed one thousand dollars (\$1,000), unless otherwise provided by statute, and shall be deposited in the bureau of occupational licensing account;

(8) To formulate rules when required in any act to be administered; and

(9) To collect and pay such fees as are required for criminal background checks of applicants, licensees or registrants.

(b) None of the above enumerated functions and duties in subsection (a) of this section shall be exercised by the bureau of occupational licenses except upon the action and report in writing of persons designated from time to time by the chief of the bureau of occupational licenses to take such action and to make such report, for the respective professions, trades and occupations.

Law without signature.

CHAPTER 349
(S.B. No. 1287, As Amended)

AN ACT

RELATING TO COVENANTS NOT TO COMPETE; AMENDING SECTION 44-2702, IDAHO CODE, TO PROVIDE FOR APPLICABILITY OF DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 44-2704, IDAHO CODE, TO REMOVE A PROVISION REGARDING REBUTTABLE PRESUMPTIONS.

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

SECTION 1. That Section 44-2702, Idaho Code, be, and the same is hereby amended to read as follows:

44-2702. DEFINITIONS. For purposes of this section chapter, the following terms shall have the following meanings:

(1) "Key employees" and "key independent contractors" shall include those employees or independent contractors who, by reason of the employer's investment of time, money, trust, exposure to the public, or exposure to technologies, intellectual property, business plans, business processes and methods of operation, customers, vendors or other business relationships during the course of employment, have gained a high level of inside knowledge, influence, credibility, notoriety, fame, reputation or public persona as a representative or spokesperson of the employer, and, as a result, have the ability to harm or threaten an employer's legitimate business interests.

(2) "Legitimate business interests" shall include, but not be limited to, an employer's goodwill, technologies, intellectual property, business plans, business processes and methods of operation, customers, customer lists, customer contacts and referral sources, vendors and vendor contacts, financial and marketing information, and trade secrets as that term is defined by chapter 8, title 48, Idaho Code.

SECTION 2. That Section 44-2704, Idaho Code, be, and the same is hereby amended to read as follows:

44-2704. RESTRICTION OF DIRECT COMPETITION -- REBUTTABLE PRESUMPTIONS. (1) Under no circumstances shall a provision of such agreement or covenant, as set forth herein, establish a postemployment restriction of direct competition that exceeds a period of eighteen (18) months from the time of the key employee's or key independent contractor's termination unless consideration, in addition to employment or continued employment, is given to a key employee or key independent contractor. Nothing in this chapter shall be construed to limit a party's ability to otherwise protect trade secrets or other information deemed proprietary or confidential.

(2) It shall be a rebuttable presumption that an agreement or covenant with a postemployment term of eighteen (18) months or less is reasonable as to duration.

(3) It shall be a rebuttable presumption that an agreement or covenant is reasonable as to geographic area if it is restricted to the geographic areas in which the key employee or key independent contractor provided services or had a significant presence or influence.

(4) It shall be a rebuttable presumption that an agreement or covenant is reasonable as to type of employment or line of business if it is limited to the type of employment or line of business conducted by the key employee or key independent contractor, as defined in section 44-2702, Idaho Code, while working for the employer.

(5) It shall be a rebuttable presumption that an employee or independent contractor who is among the highest paid five percent (5%) of the employer's employees or independent contractors is a "key employee" or a "key independent contractor." To rebut such presumption, an employee or independent contractor must show that it has no ability to adversely affect the employer's legitimate business interests.

~~(6) If a court finds that a key employee or key independent contractor is in breach of an agreement or a covenant, a rebuttable presumption of irreparable harm has been established. To rebut such presumption, the key employee or key independent contractor must show that the key employee or key independent contractor has no ability to adversely affect the employer's legitimate business interests.~~

Law without signature.

CHAPTER 350

(H.B. No. 658, As Amended in the Senate)

AN ACT

RELATING TO TRESPASS; TO PROVIDE LEGISLATIVE INTENT; AMENDING SECTION 6-202, IDAHO CODE, TO PROVIDE FOR ACTIONS FOR CIVIL TRESPASS, TO PROVIDE DEFINITIONS, TO PROVIDE FOR ACTS CONSTITUTING CIVIL TRESPASS AND CIVIL TRESPASS WITH DAMAGE, TO PROVIDE FOR DAMAGES AND TO PROVIDE FOR EXCLUSIONS; REPEALING SECTION 6-202A, IDAHO CODE, RELATING TO DEFINITIONS OF TERMS; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 31, TITLE 6, IDAHO CODE, TO PROVIDE FOR THE LIABILITY AND DUTY OF A LAND POSSESSOR TO A TRESPASSER AND TO PROVIDE FOR THE APPLICABILITY OF THE ATTRACTIVE NUISANCE COMMON LAW DOCTRINE; REPEALING SECTION 18-7008, IDAHO CODE, RELATING TO TRESPASS; AMENDING CHAPTER 70, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7008, IDAHO CODE, TO PROVIDE FOR CRIMINAL TRESPASS, TO PROVIDE DEFINITIONS, TO PROVIDE FOR ACTS CONSTITUTING CRIMINAL TRESPASS AND CRIMINAL TRESPASS WITH DAMAGE, TO PROVIDE FOR PENALTIES AND TO PROVIDE FOR EXCLUSIONS; REPEALING SECTION 18-7011, IDAHO CODE, RELATING TO CRIMINAL TRESPASS; AMENDING SECTION 19-4705, IDAHO CODE, TO PROVIDE FOR THE DISPOSITION OF FINES; AMENDING SECTION 36-1402, IDAHO CODE, TO PROVIDE FOR A VIOLATION OF TRESPASSING FOR THE PURPOSE OF HUNTING, FISHING OR TRAPPING AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 36-1602, IDAHO CODE, RELATING TO HUNTING ON CERTAIN LANDS WITHOUT PERMISSION; AMENDING SECTION 36-1603, IDAHO CODE, TO PROHIBIT TRESPASSING WHILE HUNTING, FISHING AND TRAPPING, TO PROVIDE REMEDIES, TO AUTHORIZE PERMISSION FORMS AND TO PROVIDE FOR THE DISSEMINATION OF INFORMATION; AMENDING SECTION 36-1604, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF CERTAIN REMEDIES WITH RESPECT TO THE LIABILITY OF THOSE USING THE LAND OF ANOTHER PERSON FOR RECREATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-1108, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE FOR THE ACCRUAL OF ACTIONS.

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

SECTION 1. LEGISLATIVE INTENT. The Legislature of the State of Idaho makes the following findings and declares the following statement of intent and legislative purpose:

(1) Under Section 1, Article I, of the Constitution of the State of Idaho, "acquiring, possessing and protecting property" is an inalienable right. The right to own real property and to exclude others from that

property according to law is fundamental to our rights as citizens and has been upheld repeatedly by the United States Supreme Court.

(2) Section 23, Article I of the Idaho Constitution also protects the right to hunt and fish, but that right expressly does not include "a right to trespass on private property."

(3) The Legislature finds that trespassing on private property has become a serious problem for landowners throughout the state. While many individuals respect private property rights, landowners report a significant number of persons who blatantly disregard the rights of property owners and frequently cause damage to private property, including cut fences, ruined crops, vandalism and theft.

(4) The trespass laws of the State of Idaho have been insufficient to deter trespassing and have offered inadequate penalties when trespassers are prosecuted.

(5) Moreover, the existing trespass laws are a confusing, inconsistent and constitutionally suspect patchwork of laws. They impose significant posting burdens on landowners, without reducing trespassing. The poor construction of the laws of trespass hinders the effective arrest and prosecution of trespassers.

(6) It is the intent of the Legislature in passing this act to cultivate a new culture of respect for private property rights and a renewal of the neighborly ways that have been a hallmark of our state.

SECTION 2. That Section 6-202, Idaho Code, be, and the same is hereby amended to read as follows:

6-202. ACTIONS FOR CIVIL TRESPASS. (1) Definitions. As used in this section:

(a) "Crops" means field crops including, but not limited to, grains, feed crops, legumes, fruits and vegetables.

(b) "Cultivated land" means:

(i) Land whose soil is loosened or broken up for the raising of crops;

(ii) Land used for the raising of crops; or

(iii) Pasturage that is artificially irrigated.

(c) "Damage" means any injury or damage to real or personal property and includes, but is not limited to, any of the following actions, when conducted without lawful authority, the consent of the landowner or his agent, or a valid license:

(i) Cutting down or carrying off any wood, underbrush, tree or timber, or girdling or otherwise injuring any tree or timber on the land of another;

(ii) Severing from the property of another anything attached thereto, or the produce thereof;

(iii) Digging, taking or carrying away any earth, soil or stone from the property of another;

(iv) Tearing down or otherwise damaging any fence on the land of another, or opening any gate, bar or fence of another and leaving it open, or using the corral or corrals of another;

(v) Dumping trash or covering up in any manner the property of another;

(vi) The unprovoked, intentional killing or injuring of a domestic animal of another on his property;

(vii) Removing, mutilating, damaging or destroying any "no trespassing" signs or markers of similar meaning;

(viii) Going through or driving a motor vehicle, as defined in sections 49-114 and 49-123, Idaho Code, into, upon, over or through any cultivated lands; or

(ix) Injuring or killing livestock.

(d) "Enter" or "enters" means going upon or over real property either in person or by causing any object, substance or force to go upon or over real property.

(e) "Navigable streams" shall have the meaning set forth in section 36-1601, Idaho Code.

(f) "Permission" means written authorization from the owner or his agent to enter upon private land, which shall include the signature of the owner or his agent, the name of the person being given permission, the appropriate dates that the permission is valid and a general description of the property; or another form of permission or invitation recognized by law.

(g) "Remains" means to fail to depart from the real property of another immediately when notified to do so by the owner or his agent.

(2) (a) Acts constituting civil trespass. Any person who, without permission of the owner, or the owner's agent, willfully and intentionally enters or remains upon the real property of another person which property is posted with "No Trespassing" signs or other notices of like meaning, spaced at intervals of not less than one (1) notice per six hundred sixty (660) feet along such real property; or who willfully and intentionally cuts down or carries off any wood or underwood, tree or timber, or girdling, or otherwise willfully and intentionally injures any tree or timber on the land of another person, or on the street or highway in front of any person's house, village, or city lot, or cultivated grounds; or on the commons or public grounds of or in any city or town, or on the street or highway in front thereof, without lawful authority, is liable to the owner of such land, or to such city or town, for treble the amount of damages which may be assessed therefor or fifty dollars (\$50.00), plus a reasonable attorney's fee which shall be taxed as costs, in any civil action brought to enforce the terms of this act if the plaintiff prevails without permission commits a civil trespass.

(b) Acts constituting civil trespass with damage. A person commits a civil trespass with damage when he enters or remains on the real property of another without permission, knowing or with reason to know that his presence is not permitted, and causes damage to real or personal property in excess of one thousand dollars (\$1,000). A person has reason to know that his presence is not permitted on real property that meets any of the following descriptions:

(i) The property is reasonably associated with a residence or place of business;

(ii) The property is cultivated;

(iii) The property is fenced or otherwise enclosed in a manner that a reasonable person would recognize as delineating a private property boundary. Provided, however, if the property adjoins or is contained within public lands, the fence line adjacent to public land is posted with conspicuous "no trespassing" signs or bright orange or fluorescent paint at the corners of the fence adjoining public land and at all navigable streams, roads, gates and rights-of-way entering the private land from the public land, and is posted in a manner that a reasonable person would be put on notice that it is private land; or

(iv) The property is unfenced and uncultivated but is posted with conspicuous "no trespassing" signs or bright orange or fluorescent paint at all property corners and boundaries where the property intersects navigable streams, roads, gates and rights-of-way entering the land, and is posted in a manner that a reasonable person would be put on notice that it is private land.

(3) Remedies.

(a) Civil trespass. Any person found liable for a civil trespass pursuant to subsection (2) (a) of this section shall be liable for the following damages:

(i) The greater of:

1. A damage award of five hundred dollars (\$500); or
2. The amount of actual damages caused by the trespass;

(ii) Reasonable attorney's fees, which shall be taxed as costs in any civil action brought to enforce the provisions of this section, if the plaintiff prevails; and

(iii) Reasonable costs associated with investigating any trespass, as approved by the court, which shall be taxed as costs in any civil action brought to enforce the provisions of this section, if the plaintiff prevails.

(b) Civil trespass with damage. Any person found liable for a civil trespass with damage pursuant to subsection (2) (b) of this section shall be liable for the following damages and penalties:

(i) Treble the amount of actual damages caused by the trespass;

(ii) Reasonable attorney's fees, which shall be taxed as costs in any civil action brought to enforce the provisions of this section, if the plaintiff prevails; and

(iii) Reasonable costs associated with investigating any trespass, as approved by the court, which shall be taxed as costs in any civil action brought to enforce the provisions of this section, if the plaintiff prevails.

(c) If an action for civil trespass or civil trespass with damage is brought without foundation and the defendant prevails, the defendant may be awarded reasonable attorney's fees, which shall be taxed as costs.

Provided however, the owner or operator of any right-of-way or easement for any ditch, canal or other conduit governed by the provisions of chapter 11 or chapter 12, title 42, Idaho Code, or any rail carrier or aircraft who is found in violation of this section shall be liable only for actual damages and not for any treble damages or attorney's fees or investigation costs otherwise provided for under this subsection.

(4) All damages and penalties awarded pursuant to this section shall be remitted to the damaged party.

(5) Posting of navigable streams shall not prohibit access to navigable streams below the high-water mark pursuant to section 36-1601, Idaho Code.

(6) Subject to any rights or authorities described in subsection (7) of this section, a landowner or his agent may revoke permission granted under this section to another to enter or remain upon his property at any time, for any reason, orally, in writing, or by any other form of notice reasonably apparent to the permitted person or persons.

(7) A person has not committed the act of civil trespass under this section for entering or remaining upon real property if the person entered or remained on the property pursuant to any of the following rights or authorities:

(a) An established right of entry or occupancy of the real property in question, including, but not limited to:

(i) An invitation, whether express or implied, to enter or remain on real property including, but not limited to, the right to enter property that is, at the time, open to the public, if the person is in compliance with lawful conditions imposed on access;

(ii) A license to enter or remain on real property; or

(iii) A lease, easement, contract, privilege or other legal right to enter, remain upon, possess or use the real property;

(b) A lawful authority to enter onto or remain upon the real property in question, including, but not limited to:

(i) Any law enforcement officer during the course and scope of fulfilling his lawful duties;

(ii) Any paramedic, firefighter or other emergency personnel during the course and scope of fulfilling his lawful duties; or

(iii) Any licensed professional otherwise authorized to enter or remain on the real property during the course and scope of fulfilling his lawful duties; or

(c) Any other person with a legally prescribed right to enter or remain upon the real property in question.

(8) Examples of the exclusions in subsection (7) of this section include, but are not limited to, a customer entering and remaining in a store during business hours who has not been asked to depart by the property owner or his agent; a person knocking on a front door of a property that is not posted; a meter reader in the scope and course of his employment; a postal employee delivering mail or packages; power company personnel fixing downed power lines; a bail bondsman arresting a person who is in violation of a bail contract; a tenant in compliance with a valid lease; and the owner or operator of any right-of-way or easement for any ditch, canal or other conduit, acting pursuant to the provisions of chapter 11 or chapter 12, title 42, Idaho Code.

(9) The exclusions set forth in this section shall not relieve any person of civil or criminal liability pursuant to other applicable law for causing damage while entering or remaining on the property in question.

SECTION 3. That Section 6-202A, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 31, Title 6, Idaho Code, and to read as follows:

CHAPTER 31

LIABILITY OF LAND POSSESSOR TO TRESPASSER

6-3101. DUTY OF LAND POSSESSOR TO TRESPASSER. A possessor of any interest in real property, including an owner, lessee or other lawful occupant, owes no duty of care to a trespasser, except to refrain from intentional or willful and wanton acts that cause injury to the trespasser.

6-3102. ATTRACTIVE NUISANCE. Nothing in this chapter shall affect the common law doctrine of attractive nuisance.

6-3103. APPLICABILITY. This chapter does not create or increase the liability of any possessor of real property and does not affect any other statutory or common law immunities from or defenses to civil liability to which a possessor of real property may be entitled.

SECTION 5. That Section 18-7008, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Chapter 70, 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 18-7008, Idaho Code, and to read as follows:

18-7008. CRIMINAL TRESPASS -- DEFINITIONS AND ACTS CONSTITUTING. (1) Definitions. As used in this section:

(a) "Crops" means field crops including, but not limited to, grains, feed crops, legumes, fruits and vegetables.

(b) "Cultivated land" means:

- (i) Land whose soil is loosened or broken up for the raising of crops;
 - (ii) Land used for the raising of crops; or
 - (iii) Pasturage that is artificially irrigated.
- (c) "Damage" means any injury or damage to real or personal property and includes, but is not limited to, any of the following actions, when conducted without lawful authority, the consent of the landowner or his agent, or a valid license:
- (i) Cutting down or carrying off any wood, underbrush, tree or timber, or girdling or otherwise injuring any tree or timber on the land of another;
 - (ii) Severing from the property of another anything attached thereto, or the produce thereof;
 - (iii) Digging, taking or carrying away any earth, soil or stone from the property of another;
 - (iv) Tearing down or otherwise damaging any fence on the land of another person, or opening any gate, bar or fence of another person and leaving it open, or using the corral or corrals of another person;
 - (v) Dumping trash or covering up in any manner the property of another person;
 - (vi) The unprovoked, intentional killing or injuring of a domestic animal of another on his property;
 - (vii) Removing, mutilating, damaging or destroying any "no trespassing" signs or markers of similar meaning;
 - (viii) Going through or driving a motor vehicle, as defined in sections 49-114 and 49-123, Idaho Code, into, upon, over or through any cultivated lands; or
 - (ix) Injuring livestock.
- (d) "Enter" or "enters" means going upon or over real property either in person or by causing any object, substance or force to go upon or over real property.
- (e) "Navigable streams" shall have the meaning set forth in section 36-1601, Idaho Code.
- (f) "Permission" means written authorization from the owner or his agent to enter upon private land, which shall include the signature of the owner or his agent, the name of the person being given permission, the appropriate dates that the permission is valid and a general description of the property; or another form of permission or invitation recognized by law.
- (g) "Remains" means to fail to depart from the real property of another immediately when notified to do so by the owner or his agent.
- (2) Acts constituting criminal trespass.
- (a) A person commits criminal trespass and is guilty of a misdemeanor, except as provided in subsection (3) (a) (i) of this section, when he enters or remains on the real property of another without permission, knowing or with reason to know that his presence is not permitted. A person has reason to know his presence is not permitted when, except under a landlord-tenant relationship, he fails to depart immediately from the real property of another after being notified by the owner or his agent to do so, or he returns without permission or invitation within one (1) year, unless a longer period of time is designated by the owner or his agent. In addition, a person has reason to know that his presence is not permitted on real property that meets any of the following descriptions:
- (i) The property is reasonably associated with a residence or place of business;
 - (ii) The property is cultivated;

(iii) The property is fenced or otherwise enclosed in a manner that a reasonable person would recognize as delineating a private property boundary. Provided, however, if the property adjoins or is contained within public lands, the fence line adjacent to public land is posted with conspicuous "no trespassing" signs or bright orange or fluorescent paint at the corners of the fence adjoining public land and at all navigable streams, roads, gates and rights-of-way entering the private land from the public land, and is posted in a manner that a reasonable person would be put on notice that it is private land; or

(iv) The property is unfenced and uncultivated but is posted with conspicuous "no trespassing" signs or bright orange or fluorescent paint at all property corners and boundaries where the property intersects navigable streams, roads, gates and rights-of-way entering the land, and is posted in a manner that a reasonable person would be put on notice that it is private land.

(b) Every person who commits a criminal trespass as provided by this section and who causes damage to real or personal property in excess of one thousand dollars (\$1,000) while trespassing is guilty of criminal trespass with damage and is guilty of a misdemeanor, except as provided in subsection (3) (b) (iii) of this section.

(3) Penalties.

(a) Penalties for criminal trespass.

(i) Any person who pleads guilty to or is found guilty of a violation of subsection (2) (a) of this section for the first time:

1. If no damage of any kind was committed during the trespass and the person accused does not remain if ordered to depart by the owner of the real property or his agent, then the person shall be guilty of an infraction and fined in the amount of three hundred dollars (\$300); or

2. Except as provided in subparagraph (i)1. of this paragraph, the person may be sentenced to jail for a period of no more than six (6) months and shall be fined in an amount no less than five hundred dollars (\$500) and no more than one thousand dollars (\$1,000).

(ii) Any person who pleads guilty to or is found guilty of a violation of subsection (2) (a) of this section for a second time within five (5) years:

1. May be sentenced to jail for a period of no more than six (6) months;

2. Shall be fined in an amount no less than one thousand five hundred dollars (\$1,500) and no more than three thousand dollars (\$3,000); and

3. If the trespass can be reasonably construed to have been committed in a manner described in section 36-1603(a), Idaho Code, shall have any license issued pursuant to chapter 3, title 36, Idaho Code, suspended for a period of one (1) year.

(iii) Any person who pleads guilty to or is found guilty of a violation of subsection (2) (a) of this section, who previously has been found guilty of or has pled guilty to two (2) or more violations of the provisions of subsection (2) of this section within ten (10) years, notwithstanding the form of the judgments or withheld judgments:

1. May be sentenced to jail for a period no more than one (1) year;

2. Shall be fined an amount no less than five thousand dollars (\$5,000) and no more than ten thousand dollars (\$10,000); and

3. If the trespass can be reasonably construed to have been committed in a manner described in section 36-1603(a), Idaho Code, shall have any license issued pursuant to chapter 3, title 36, Idaho Code, suspended for a period of no more than five (5) years.

(b) Penalties for criminal trespass with damage.

(i) Any person who pleads guilty to or is found guilty of a violation of subsection (2) (b) of this section for the first time:

1. May be sentenced to jail for a period of no more than six (6) months; and
2. Shall be fined in an amount no less than one thousand five hundred dollars (\$1,500) and no more than five thousand dollars (\$5,000).

(ii) Any person who pleads guilty to or is found guilty of a violation of subsection (2) (b) of this section for a second time within five (5) years:

1. May be sentenced to jail for a period of no more than six (6) months;
2. Shall be fined in an amount no less than five thousand dollars (\$5,000) and no more than ten thousand dollars (\$10,000); and
3. If the trespass can be reasonably construed to have been committed in a manner described in section 36-1603(a), Idaho Code, shall have any license issued pursuant to chapter 3, title 36, Idaho Code, suspended for a period of one (1) year.

(iii) Any person who pleads guilty to or is found guilty of a violation of subsection (2) (b) of this section, who previously has been found guilty of or has pled guilty to two (2) or more violations of the provisions of subsection (2) of this section within ten (10) years, notwithstanding the form of the judgments or withheld judgments, is guilty of a felony and:

1. Shall be sentenced to the custody of the state board of correction for a period of no less than one (1) year and no more than five (5) years;
2. Shall be fined in an amount no less than fifteen thousand dollars (\$15,000) and no more than fifty thousand dollars (\$50,000); and
3. If the trespass can be reasonably construed to have been committed in a manner described in section 36-1603(a), Idaho Code, shall have any license issued pursuant to chapter 3, title 36, Idaho Code, suspended for a period of no less than five (5) years.

(c) In addition to any other penalty prescribed by law, a court shall, for any violation of subsection (2) of this section, order restitution in accordance with section 19-5304, Idaho Code.

(4) Posting of navigable streams shall not prohibit access to navigable streams below the high-water mark pursuant to section 36-1601, Idaho Code.

(5) Subject to any rights or authorities described in subsection (6) of this section, a landowner or his agent may revoke permission granted under this section to another to enter or remain upon his property at any time, for any reason, orally, in writing, or by any other form of notice reasonably apparent to the permitted person or persons.

(6) A person shall not be guilty of trespass under this section for entering or remaining upon real property if the person entered or remained on the property pursuant to any of the following rights or authorities:

(a) An established right of entry or occupancy of the real property in question, including, but not limited to:

- (i) An invitation, whether express or implied, to enter or remain on real property including, but not limited to, the right to enter

property that is, at the time, open to the public, if the person is in compliance with lawful conditions imposed on access;

(ii) A license to enter or remain on real property; or

(iii) A lease, easement, contract, privilege or other legal right to enter, remain upon, possess or use the real property;

(b) A lawful authority to enter onto or remain upon the real property in question, including, but not limited to:

(i) Any law enforcement officer during the course and scope of fulfilling his lawful duties;

(ii) Any paramedic, firefighter or other emergency personnel during the course and scope of fulfilling his lawful duties; or

(iii) Any licensed professional otherwise authorized to enter or remain on the real property during the course and scope of fulfilling his lawful duties; or

(c) Any other person with a legally prescribed right to enter or remain upon the real property in question.

(7) Examples of the exclusions in subsection (6) of this section include, but are not limited to: a customer entering and remaining in a store during business hours who has not been asked to depart by the property owner or his agent; a person knocking on a front door of a property that is not posted; a meter reader during the scope and course of his employment; a postal employee delivering mail or packages; power company personnel fixing downed power lines; a bail bondsman arresting a person who is in violation of a bail contract; a tenant pursuant to a valid lease; and the owner or operator of any right-of-way or easement for any ditch, canal or other conduit, acting pursuant to the provisions of chapter 11 or chapter 12, title 42, Idaho Code.

(8) The exclusions set forth in this section shall not relieve any person of civil or criminal liability pursuant to other applicable law for causing damage while entering or remaining on the property in question.

SECTION 7. That Section 18-7011, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Section 19-4705, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

(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 ap-

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

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

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

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

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

(h) Fines and forfeitures remitted for violations involving registrations of motorcycles or motor-driven cycles used off highways, snowmobiles, or use of winter recreation parking areas shall be apportioned ten percent (10%) to the state treasurer of which eighty-six percent (86%) shall be deposited to the state general fund and fourteen

percent (14%) shall be deposited to the peace officers standards and training fund authorized in section 19-5116, Idaho Code, and ninety percent (90%) to the general fund of the county or city whose law enforcement official issued the citation.

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

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

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

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

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

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

SECTION 9. That Section 36-1402, Idaho Code, be, and the same is hereby amended to read as follows:

36-1402. PENALTY -- INFRACTION -- MISDEMEANOR -- FELONY -- REVOCATION OF LICENSE -- DISPOSITION OF MONEYS. (a) Infraction Penalty. Except as provided for in subsection (b) of this section, any person who pleads guilty to or is found guilty of an infraction of this code, or rules or proclamations promulgated pursuant thereto, shall be subject to a fine of seventy-two dollars (\$72.00).

(b) A violation of section 36-1401(a)1.(K) through (L) or (a)2.(S) through (X), Idaho Code, shall constitute an infraction subject to a fine of two hundred fifty dollars (\$250).

(c) Misdemeanor Penalty. Any person entering a plea of guilty for, found guilty of or convicted of a misdemeanor under the provisions of this title or rules or proclamations promulgated pursuant thereto shall, except in cases where a higher penalty is prescribed, be fined in a sum of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000) and/or by commitment to jail for not more than six (6) months. The minimum fine, per animal, fish or bird, for the illegal taking, illegal possession or the illegal waste of the following animals, fish or birds shall be as indicated below:

Animal, Fish or Bird	Minimum Fine
Bighorn sheep, mountain goat and moose	\$500
Elk	\$300

Animal, Fish or Bird	Minimum Fine
Any other big game animal	\$200
Wild turkey, swan and sturgeon	\$200
Chinook salmon, wild steelhead and bull trout	\$100
Any other game bird, game fish or furbearer	\$ 25

(d) **Felony Penalty.** Any person entering a plea of guilty for, found guilty of or convicted of a felony under the provisions of this title shall be punished in accordance with section 18-112, Idaho Code. Provided further, that the judge hearing the case shall forthwith revoke for life, the hunting, fishing or trapping license and privileges of any person who, within a five (5) year period, pleads guilty to, is found guilty of or is convicted of three (3) or more felony violations of the provisions of this title.

(e) **License Revocation.** Any person entering a plea of guilty or being found guilty or convicted of violating any of the provisions of this title, or who otherwise fails to comply with the requirements of a citation in connection with any such offense, may, in addition to any other penalty assessed by the court, have his hunting, fishing, or trapping privileges revoked for such period of time as may be determined by the court not to exceed three (3) years, except that violations classified as felonies under section 36-1401, Idaho Code, or as flagrant violations as defined in subsection (f) of this section, shall authorize the court to impose license revocations for periods of time up to and including life, with said period beginning on the date of conviction, finding of guilt or the entry of the plea of guilty. Provided further, that the magistrate hearing the case shall forthwith revoke the hunting, fishing, or trapping privileges for a period of not less than one (1) year for any of the following offenses:

1. Taking or possessing upland game birds, migratory waterfowl, salmon, steelhead, sturgeon, or any big game animal during closed season.
2. Exceeding the daily bag or possession limit of upland game birds, migratory waterfowl or big game animals.
3. Taking any fish by unlawful methods as set forth in section 36-902 (a) or (c), Idaho Code.
4. Unlawfully purchasing, possessing or using any license, tag or permit as set forth in section 36-405 (c), Idaho Code.
5. ~~Trespassing in violation of warning signs or failing to depart the real property of another after notification as set forth in Violating section 36-1603, Idaho Code.~~
6. The unlawful release of any species of live fish into any public body of water in the state. For purposes of this paragraph, an "unlawful release of any species of live fish" shall mean a release of any species of live fish, or live eggs thereof, in the state without the permission of the director of the department of fish and game; provided, that no permission is required when fish are being freed from a hook and released at the same time and place where caught or when crayfish are being released from a trap at the same time and place where caught.

Provided further, that the magistrate hearing the case of a first-time hunting violation offender under the age of twenty-one (21) years may require that the offender attend a remedial hunter education course at the offender's expense. Upon successful completion of the course, the remainder of the revocation period shall be subject to a withheld judgment so as long as the offender is not convicted of any additional hunting violations during the period. The cost of the course shall be seventy-five dollars (\$75.00) to be paid to the department. The commission shall establish by rule the curriculum of the hunter education remedial course.

The revocation shall consist of cancellation of an existing license for the required length of time and/or denial of the privilege of purchasing an applicable license for the length of time required to meet the revocation period decreed. In the case of persons pleading guilty, convicted or found guilty of committing multiple offenses, the revocation periods may run consecutively. In the case of pleas of guilty, convictions or findings of guilt involving taking big game animals during closed season or exceeding the daily bag or possession limit of big game, the magistrate hearing the case shall revoke the hunting, fishing or trapping privileges of any person convicted or found guilty of those offenses for a period of not less than one (1) year for each big game animal illegally taken or possessed by the person convicted or found guilty.

It shall be a misdemeanor for any person to hunt, fish, or trap or purchase a license to do so during the period of time for which such privilege is revoked.

For the purpose of this title, the term "conviction" shall mean either a withheld judgment or a final conviction.

(f) **Flagrant Violations.** In addition to any other penalties assessed by the court, the magistrate hearing the case shall forthwith revoke the hunting, fishing or trapping privileges, for a period of not less than one (1) year and may revoke the privileges for a period up to and including the person's lifetime, for any person who enters a plea of guilty, who is found guilty, or who is convicted of any of the following flagrant violations:

1. Taking a big game animal after sunset by spotlighting, with use of artificial light, or with a night vision enhancement device.
2. Unlawfully taking two (2) or more big game animals within a twelve (12) month period.
3. Taking a big game animal with a rimfire or centerfire cartridge firearm during an archery or muzzleloader only hunt.
4. Hunting, fishing, trapping or purchasing a license when license privileges have been revoked pursuant to this section or section 36-1501, Idaho Code.
5. Taking any big game animal during a closed season.
6. Any felony violation provided in section 36-1401, Idaho Code.

(g) For purposes of the wildlife violator compact, section 36-2301, Idaho Code, et seq., the department shall:

1. Suspend a violator's license for failure to comply with the terms of a citation from a party state. A copy of a report of failure to comply from the licensing authority of the issuing state shall be conclusive evidence.
2. Revoke a violator's license for a conviction in a party state. A report of conviction from the licensing authority of the issuing state shall be conclusive evidence.

(h) **Disposition of Fines and Forfeitures.** Distribution of fines and forfeitures remitted shall be in accordance with section 19-4705, Idaho Code.

SECTION 10. That Section 36-1602, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Section 36-1603, Idaho Code, be, and the same is hereby amended to read as follows:

~~36-1603. TRESPASSING ON CULTIVATED LANDS OR IN VIOLATION OF WARNING SIGNS -- POSTING OF PUBLIC LANDS -- HUNTING, FISHING AND TRAPPING.~~ (a) No person shall enter the real property of another and shoot any weapon or enter such property for the purposes of hunting, retrieving wildlife, fishing or trapping, without the permission of the owner or person in charge of the property, which property is either cultivated or:

- ~~(1) Is posted with "No Trespassing" signs;~~
- ~~(2) Is posted with a minimum of one hundred (100) square inches of fluorescent orange, bright orange, blaze orange, safety orange or any similar high visibility shade of orange colored paint except that when metal fence posts are used, a minimum of eighteen (18) inches of the top of the post must be painted a high visibility shade of orange;~~
- ~~(3) Is posted with other notices of like meaning, spaced at intervals of not less than one (1) sign, paint area or notice per six hundred sixty (660) feet along such real property; provided that where the geographical configuration of the real property is such that entry can reasonably be made only at certain points of access, such property is posted sufficiently for all purposes of this section if said signs, paint or notices are posted at such points of access; or~~
- ~~(4) Is posted with a conspicuous sign where a public road enters the real property, through which or along which road the public has a right-of-way, stating words substantially similar to "PRIVATE PROPERTY, NO TRESPASSING OFF (fill in relevant compass direction(s)) SIDE OF ROAD NEXT (fill in the distance) MILES," and which is posted with a conspicuous sign where the public road exits the real property stating words substantially similar to "LEAVING PRIVATE PROPERTY." The postings shall be placed on the private real property. In lieu of posting the compass direction(s), a map depicting the area of private property may be displayed on the sign;~~

~~For the purposes of this section, "cultivated" shall mean soil that is being or has been prepared by loosening or breaking up for the raising of crops, or used for the raising of crops, or artificially irrigated pasturage. No person shall fail to depart immediately from the real property of another after being notified in writing or orally by the owner of the real property or the owner's authorized agent in violation of section 18-7008, Idaho Code.~~

~~(b) No person shall post, sign, or indicate that any public lands within this state, not held under an exclusive control lease, are privately owned lands.~~

~~(c) Remedies. Any violation of this section shall subject the violator to the penalties set forth in this title, including, but not limited to, section 36-1402 (e), Idaho Code.~~

~~(d) Permission forms.~~

~~(1) The department shall produce permission forms for a landowner to indicate that a land user has express written permission to use private land. The permission forms produced must contain spaces for all of the information required by section 18-7008 (1) (f), Idaho Code. The permission forms must state clearly that the permission may be revoked at any time by the landowner or his agent.~~

~~(2) The department shall make the permission forms available on the department's website, in all fish and game offices and in the sheriff's office in each county in the state of Idaho, at no charge to any person owning land in Idaho.~~

~~(3) The department shall provide information to anyone holding licenses, tags or permits to take fish or wildlife in Idaho regarding owners' rights and sportsmen's duties, at each point of sale and through all reasonable means, including on the department's website and through the public media.~~

~~(4) The restrictions in this section and section 18-7008, Idaho Code, relating to trespass shall be stated in all hunting and fishing proclamations issued by the department.~~

~~(5) A landowner is not limited to using a permission form provided by the department under this subsection.~~

SECTION 12. That Section 36-1604, Idaho Code, be, and the same is hereby amended to read as follows:

36-1604. LIMITATION OF LIABILITY OF LANDOWNER. (a) Statement of Purpose. The purpose of this section is to encourage owners of land to make land, airstrips and water areas available to the public without charge for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

(b) Definitions. As used in this section:

1. "Airstrips" means either improved or unimproved landing areas used by pilots to land, park, take off, unload, load and taxi aircraft. Airstrips shall not include landing areas which are or may become eligible to receive federal funding pursuant to the federal airport and airway improvement act of 1982 and subsequent amendments thereto.
2. "Land" means private or public land, roads, airstrips, trails, water, watercourses, irrigation dams, water control structures, headgates, private or public ways and buildings, structures, and machinery or equipment when attached to or used on the realty.
3. "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.
4. "Recreational purposes" includes, but is not limited to, any of the following activities or any combination thereof: hunting, fishing, swimming, boating, rafting, tubing, camping, picnicking, hiking, pleasure driving, the flying of aircraft, bicycling, running, playing on playground equipment, skateboarding, athletic competition, nature study, ~~water skiing~~ waterskiing, animal riding, motorcycling, snowmobiling, recreational vehicles, winter sports, and viewing or enjoying historical, archeological, scenic, geological or scientific sites, when done without charge of the owner.

(c) Owner Exempt from Warning. An owner of land owes no duty of care to keep the premises safe for entry by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes. Neither the installation of a sign or other form of warning of a dangerous condition, use, structure, or activity, nor any modification made for the purpose of improving the safety of others, nor the failure to maintain or keep in place any sign, other form of warning, or modification made to improve safety, shall create liability on the part of an owner of land where there is no other basis for such liability.

(d) Owner Assumes No Liability. An owner of land or equipment who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

1. Extend any assurance that the premises are safe for any purpose.
2. Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.
3. Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons.

(e) Provisions Apply to Leased Public Land. Unless otherwise agreed in writing, the provisions of this section shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes.

(f) Provisions Apply to Land Subject to a Conservation Easement. Unless otherwise agreed in writing, the provisions of this section shall be deemed applicable to the duties and liability of an owner of land subject to a conservation easement to any governmental entity or nonprofit organization.

(g) Owner Not Required to Keep Land Safe. Nothing in this section shall be construed to:

1. Create a duty of care or ground of liability for injury to persons or property.
2. Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this

section to exercise care in his use of such land and in his activities thereon, or from legal consequences or failure to employ such care.

3. Apply to any person or persons who for compensation permit the land to be used for recreational purposes.

(h) User Liable for Damages. Any person using the land of another for recreational purposes, with or without permission, shall be liable for any damage to property, livestock or crops which he may cause while on said property, in addition to all remedies provided in section 6-202, Idaho Code, in the event the person has committed a civil trespass.

SECTION 13. That Section 36-1108, Idaho Code, be, and the same is hereby amended to read as follows:

36-1108. CONTROL OF DAMAGE BY PRONGHORN ANTELOPE, ELK, DEER OR MOOSE -- COMPENSATION FOR DAMAGES. (a) Prevention of depredation shall be a priority management objective of the department, and it is the obligation of landowners to take all reasonable steps to prevent property loss from wildlife or to mitigate damages by wildlife. When any pronghorn antelope, elk, deer or moose is doing damage to or is destroying any property or is about to do so, the owner or lessee thereof may make complaint and verbally or electronically report the facts to the director or his designee who shall, within seventy-two (72) hours, investigate the conditions complained of. If it appears that the complaint is well-founded and the property of the complainant is being or is likely to be damaged or destroyed by such pronghorn antelope, elk, deer or moose, the director may:

1. Send a representative onto the premises to control, trap, and/or remove such animals as will stop the damage to said property. Any animals so taken shall remain the property of the state and shall be turned over to the director. The director may provide written authorization for possession of animals so taken.

2. Grant properly safeguarded permission to the complainant to control, trap and/or remove such animals. Any animals so taken shall remain the property of the state and shall be turned over to the director. The director may provide written authorization for possession of animals so taken.

3. Make an agreement with the owner or lessee to allow continued use of lands by the animals where damage by them has occurred to stored, growing or matured crops on private property whether owned or leased. The agreement made under the provisions of this subsection may provide for financial compensation to the owner or lessee. If made, financial compensation under the provisions of this subsection shall be governed by the provisions of section 36-115, Idaho Code, and shall not be in addition to any payments for the same crop losses from any other source. Compensation for damages under the provisions of this subsection shall be available for damages done to private lands, whether owned or leased, if the owner or lessee allowed hunters reasonable access to the property or through the property to public lands for hunting purposes during the preceding hunting season or as a measure of response to depredation. This provision shall not negate the provisions of section 36-16023, Idaho Code, relating to the necessity of obtaining permission to enter private land. If necessary, the arbitration panel provided for in subsection (b) of this section shall determine the reasonableness of access allowed.

(b) 1. In order to establish eligibility for submission of claims for damages, persons suffering crop damages on privately owned or leased land caused by pronghorn antelope, elk, deer or moose must:

(A) Notify the department within seventy-two (72) hours of discovery of damage.

(B) Follow up verbal notification with a written, which may be electronic, notice within twenty (20) days of the discovery of damages.

(C) The department shall not be held liable or accountable for any damages occurring more than twenty (20) days prior to the initial notification of damage. However, the department may extend the period up to thirty (30) days under exceptional circumstances.

The owner or lessee must have allowed hunters reasonable access to the property or through the property to public lands for hunting purposes during the preceding hunting season or as a measure of response to depredation, provided such access does not impact on their operations, or the claim for damages may be disallowed. Compensation for crop damages claims shall not be in addition to any payments for the same crop losses from any other source and shall not include fence or other types of property damage. While fences and irrigation equipment are not subject to claim for payment, the department is allowed to provide support and assistance, including provision of materials to design, construct, and maintain fences for control of depredation. The notice of damages caused must be in written form, shall be in the form of a claim for damages substantially the same as required by section 6-907, Idaho Code, shall be attested to by the claimant under oath, and the claim shall be at least seven hundred fifty dollars (\$750). The claim shall not be amended after it is filed, provided however, that a claimant may file an additional claim in the event additional damage occurs subsequent to filing the initial claim. The department shall prepare and make available suitable forms for notice and claim for damages. Claims may be submitted only for the fiscal year (July 1 through June 30) in which they occurred, with allowance for submission within the first sixty (60) days of the following fiscal year if the claim occurred within the last sixty (60) days of the previous fiscal year. Any person submitting a fraudulent claim shall be prosecuted for a felony as provided in section 18-2706, Idaho Code. For purposes of this subsection, crop damages shall mean damage to plants grown or stored for profit and exclude ornamental plants.

2. Upon receipt by the department, the department shall review the claim, and if approved, pay it as provided in section 36-115, Idaho Code, or order it paid as provided in section 36-115, Idaho Code. Failure on the part of the owner or lessee to allow on-site access for inspection and investigation of alleged losses shall void the claim for damages.

3. In the event the owner or lessee and the department fail to agree on the amount of damages within fifteen (15) business days of the written claim, either party may elect to retain the services of an independent certified insurance adjuster licensed in the state of Idaho to view the affected property and determine the amount of damages. In the event the owner or lessee and the department fail to agree on the amount of damages and neither party elects to retain the services of an independent certified insurance adjuster, provisions of subsection (b)4. of this section shall apply. The independent certified adjuster shall complete his review and determination within twenty (20) days from the date he is retained, and will report his determination in writing by certified mail to the department and to the owner or lessee. Neither the owner or lessee, nor the department, shall disturb the affected property prior to review and determination by the independent insurance adjuster. Costs associated with the services of the independent insurance adjuster shall be divided equally between the owner or lessee and the department, subject to reapportionment of the costs by an arbitration panel pursuant to the provisions of subsection (b)4. of this section. If the department, or the owner or lessee rejects the determination

of the adjuster, they shall notify the other party in writing of the rejection within five (5) business days of receipt of the adjuster's determination. In the event that either party rejects the adjuster's determination, the provisions of subsection (b)4. of this section shall apply.

4. Within five (5) business days of a rejection of an adjuster's determination of damages or failure of the owner or lessee and the department to agree on damages when a certified insurance adjuster is not used, the director must convene an arbitration panel. To convene an arbitration panel, the director must, within five (5) business days, appoint the department's representative and notify the landholder of the appointment. The landholder(s) shall, within the next five (5) business days following such notice from the department, appoint his representative and notify the department of the appointment. Within the next five (5) business days, the department representative and the landholder must mutually appoint the third arbitrator. The arbitration panel shall consist of three (3) members, as follows:

(A) The director of the department of fish and game or his designee;

(B) The owner or his designee, or the lessee or his designee;

(C) One (1) member selected by the two (2) members above.

The panel shall convene within thirty (30) days of the selection of the third arbitrator, and render its decision within fourteen (14) days after the hearing. When convened, the arbitration panel shall have the same authority to make on-site inspections as the department. The owner or lessee shall be responsible for payment of the expenses of his appointee; the director shall pay the expenses of his appointee from the expendable big game depredation fund; and the expenses of the third member shall be a joint responsibility of the owner or lessee, and the department. Provided however, the panel is authorized to review the costs associated with retaining the independent insurance adjuster and to determine whether those costs should instead be borne solely by the owner or lessee, solely by the department, or be apportioned between the owner or lessee and the department. In cases where an independent insurance adjuster was used, the party electing to use the adjuster shall assume the insurance adjuster's determination of damage as their estimate of damage. The panel shall consider the claim submitted by the owner or lessee, and the estimate of damages submitted by the department, and shall select one (1) amount or the other as being the closest to the actual damages sustained by the claimant. The arbitration panel shall report its decision in writing to both the owner or lessee and to the department within ten (10) days of the decision, and the decision of the panel shall be binding on the owner or lessee and the department. The fish and game advisory committee shall develop guidelines to govern arbitration procedures in accordance with chapter 52, title 67, Idaho Code.

(c) Any claim received by the department under the provisions of subsection (b) of this section must be processed by the department within sixty (60) calendar days of receipt. If the claim is approved for payment, payment must be made within forty-five (45) calendar days of such approval. Any damage claim determination by an independent insurance adjuster pursuant to subsection (b)3. of this section, accepted by the parties, must be paid by the department within forty-five (45) calendar days of the determination. If the claim is arbitrated, the arbitration must be completed within one hundred eighty (180) calendar days of filing the claim for such damages.

SECTION 14. 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 15. Section 4 of this act shall apply to causes of action accruing on or after July 1, 2018.

Law without signature.

CHAPTER 351
(H.B. No. 675)

AN ACT

RELATING TO TAXES; PROVIDING LEGISLATIVE INTENT REGARDING THE ANTICIPATED SALES TAX REVENUE INCREASE FROM CERTAIN INTERNET SALES; AMENDING SECTION 63-3029L, IDAHO CODE, AS ADDED IN SECTION 6 OF HOUSE BILL NO. 463, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-FOURTH IDAHO LEGISLATURE, TO INCREASE THE CHILD TAX CREDIT; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to apply the anticipated sales tax revenue increase resulting from the passage by the Second Regular Session of the Sixty-Fourth Idaho Legislature of House Bill No. 578, regarding the collection of Idaho sales tax on certain sales by out-of-state retailers to Idaho residents, toward providing income tax relief for Idaho families from the general fund.

SECTION 2. That Section 63-3029L, Idaho Code, as added in Section 6 of House Bill No. 463, as enacted by the Second Regular Session of the Sixty-fourth Idaho Legislature, be, and the same is hereby amended to read as follows:

63-3029L. CHILD TAX CREDIT. (1) For taxable years beginning on or after January 1, 2018, and before January 1, 2026, there shall be allowed to a taxpayer a nonrefundable credit against the tax imposed by this chapter in the amount of ~~one~~ two hundred ~~thirty~~ five dollars (~~\$130205~~) with respect to each qualifying child of the taxpayer. For purposes of this section, the term "qualifying child" has the meaning as defined in section 24(c) of the Internal Revenue Code. In no event shall more than one (1) taxpayer be allowed this credit for the same qualifying child.

(2) In the case of divorced parents or parents who do not live together, if the qualifying child is in the custody of one (1) or both of the child's parents for more than one-half of a calendar year, such child is the qualifying child of the custodial parent for the taxable year beginning during such calendar year. However, the child may be the qualifying child of the noncustodial parent if either of the following requirements are met:

(a) A court of competent jurisdiction has unconditionally awarded, in writing, the noncustodial parent the tax credit authorized under this section and the noncustodial parent attaches a copy of the court order to the noncustodial parent's income tax return for the taxable year; or

(b) The custodial parent signs a written declaration that such custodial parent will not claim the credit of this section with respect to such child for any taxable year beginning in such calendar year and the noncustodial parent attaches such written declaration to the noncustodial parent's income tax return for the taxable year beginning during such calendar year.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2018.

Approved March 28, 2018

CHAPTER 352
(H.B. No. 706)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING REAPPROPRIATION AUTHORITY.

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

SECTION 1. There is hereby appropriated to the Division of Building Safety the following amounts to be expended for the designated expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$201,000	\$38,600		\$239,600
State Regulatory				
Fund	9,536,300	2,018,300	\$742,200	12,296,800
Miscellaneous Revenue/Industrial Safety				
Fund	710,200	98,900		809,100
Miscellaneous Revenue/Logging				
Fund	380,700	74,500	47,400	502,600
Miscellaneous Revenue/School Security Assessment				
Fund	246,900	53,100		300,000
Federal Grant				
Fund	<u>96,700</u>	<u>59,400</u>	<u>0</u>	<u>156,100</u>
TOTAL	\$11,171,800	\$2,342,800	\$789,600	\$14,304,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Building Safety is authorized no more than one hundred forty-seven (147.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, 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 Building Safety any unexpended and unencumbered balances appropriated to the Division of Building Safety from the State Regulatory Fund for the Trackit9 Software System for fiscal year 2018, not to exceed \$100,000, to be used for nonrecurring expenditures related to the Trackit9 System for the period July 1, 2018, through June 30, 2019.

Approved March 27, 2018

CHAPTER 353
(S.B. No. 1369)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF INDEPENDENT COUNCILS, INDIRECT SUPPORT SERVICES, HEALTHCARE POLICY INITIATIVES, AND LICENSING AND CERTIFICATION FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE CO-OPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; DIRECTING MONTHLY MEDICAID TRACKING REPORTS; REQUIRING BIENNIAL REPORTS FOR THE MEDICAID PROGRAM INTEGRITY UNIT COLLECTIONS; DIRECTING PROGRAM TRANSFER REPORTS; REQUIRING A MONTHLY REPORT ON DEPARTMENT VACANCIES; REPORTING ON IMPLEMENTATION OF THE SHIP GRANT; AND REQUIRING BIENNIAL REPORTS ON FACILITY LICENSING AND CERTIFICATION.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. INDEPENDENT COUNCILS:					
A. DEVELOPMENTAL DISABILITIES COUNCIL:					
FROM:					
Cooperative Welfare (General)					
Fund	\$163,900	\$16,800			\$180,700
Cooperative Welfare (Dedicated)					
Fund		15,000			15,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)					
Fund	<u>341,700</u>	<u>196,600</u>		<u>\$31,600</u>	<u>569,900</u>
TOTAL	\$505,600	\$228,400		\$31,600	\$765,600
B. DOMESTIC VIOLENCE COUNCIL:					
FROM:					
Cooperative Welfare (General)					
Fund	\$13,700	\$1,300			\$15,000
Domestic Violence Project					
Fund	185,800	163,200		\$171,800	520,800
Cooperative Welfare (Dedicated)					
Fund		20,000			20,000
Cooperative Welfare (Federal)					
Fund	<u>178,300</u>	<u>166,900</u>		<u>7,415,400</u>	<u>7,760,600</u>
TOTAL	\$377,800	\$351,400		\$7,587,200	\$8,316,400
DIVISION TOTAL	\$883,400	\$579,800		\$7,618,800	\$9,082,000
II. INDIRECT SUPPORT SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$10,932,800	\$7,866,000	\$709,900		\$19,508,700
Cooperative Welfare (Dedicated)					
Fund	1,836,700	1,587,400	15,300		3,439,400
Technology Infrastructure Stabilization					
Fund		576,800	56,200		633,000
Cooperative Welfare (Federal)					
Fund	<u>14,338,000</u>	<u>9,794,100</u>	<u>1,007,000</u>		<u>25,139,100</u>
TOTAL	\$27,107,500	\$19,824,300	\$1,788,400		\$48,720,200
III. HEALTHCARE POLICY INITIATIVES:					
FROM:					
Cooperative Welfare (General)					
Fund				\$251,500	\$251,500
Cooperative Welfare (Federal)					
Fund	<u>\$696,600</u>	<u>\$16,373,800</u>		<u>623,500</u>	<u>17,693,900</u>
TOTAL	\$696,600	\$16,373,800		\$875,000	\$17,945,400
IV. LICENSING AND CERTIFICATION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$1,682,200	\$280,200	\$1,600		\$1,964,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Dedicated)					
Fund	806,200	12,200			818,400
Cooperative Welfare (Federal)					
Fund	<u>3,897,800</u>	<u>638,000</u>	<u>3,300</u>		<u>4,539,100</u>
TOTAL	\$6,386,200	\$930,400	\$4,900		\$7,321,500
GRAND TOTAL	\$35,073,700	\$37,708,300	\$1,793,300	\$8,493,800	\$83,069,100

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, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized. Further, notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that the Department of Health and Welfare has the authority to transfer authorized full-time equivalent positions between budgeted programs.

Developmental Disabilities Council	6.00
Domestic Violence Council	4.00
Indirect Support Services	299.60
Healthcare Policy Initiatives	7.60
Licensing and Certification	71.90

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, 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 budgeted in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2019.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. MEDICAID TRACKING REPORT. The Department of Health and Welfare, Medicaid Division and Indirect Support Services Division, shall deliver on a monthly basis to the Legislative Services Office and the Division of Financial Management a report that compares the Medicaid budget as appropriated, distributed by month for the year, to actual expenditures and remaining forecasted expenditures for the year. The report shall also include a forecast, updated monthly, of the next fiscal year's anticipated trustee and benefit expenditures. The format of the report, and the information included therein, shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 7. MEDICAID PROGRAM INTEGRITY COLLECTIONS. It is the intent of the Legislature that the Indirect Support Services Division provide reports biannually to the Legislative Services Office and the Division of Financial Management comparing the total costs from all funding sources used for the Medicaid Program Integrity Unit and the collections related to those efforts. The format of the report, and the type of information included therein, shall be determined by the Legislative Services Office and the Division of Financial Management. The first report is to contain information from July 1, 2018, through December 31, 2018, and shall be submitted no later than January 15, 2019, and the second report shall include information from January 1, 2019, through June 30, 2019, as well as information for the entire year, and shall be submitted by June 30, 2019, or as soon thereafter as practicable.

SECTION 8. PROGRAM TRANSFER REPORT. The Department of Health and Welfare, Indirect Support Services Division, shall provide to the Legislative Services Office and the Division of Financial Management three (3) reports, with each report providing information that compares the department budget, as appropriated, to the estimated expenditures of the department for each budget unit to include: transfers of FTP authority between and among budget units; transfers of appropriation, by fund, between and among budget units; and transfers of funds by expense class between and among budget units. The first report shall be submitted no later than December 1, 2018, the second report shall be submitted no later than March 1, 2019, and the third report shall be submitted by June 1, 2019.

SECTION 9. VACANCY REPORT. On a monthly basis, the Department of Health and Welfare, Indirect Support Services Division, shall provide to the Legislative Services Office and the Division of Financial Management a staff vacancy report that compares filled positions to authorized positions for each budgeted program. The format of the report, and the type of information contained therein, shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 10. REPORTING ON IMPLEMENTATION OF THE SHIP GRANT. On an annual basis, the Healthcare Policy Initiatives Program shall report the status of the State Healthcare Innovation Plan (SHIP) to the Legislative Services Office and the Division of Financial Management. The report shall include comments and suggestions from private insurers, private providers, and other active stakeholders on the process of moving from the current fee-for-service medical model to a capitated model of healthcare delivery. The report shall also include results of any performance metrics required by the grant, in addition to updates on potential solutions for the state of Idaho. This report shall be submitted no later than December 31, 2018.

SECTION 11. BIENNIAL REPORTS ON FACILITY LICENSING AND CERTIFICATION. It is the intent of the Legislature that the Department of Health and Welfare, Licensing and Certification Program, provide biannual reports to the Legislative Services Office and the Division of Financial Management on the status of facility licensing and certifications as well as staff workload and caseload issues. For the past several years, the program has noted staffing issues related to retention, which in turn has created a large backlog of facility inspections and licensures. The format of the report, and the type of information included therein, shall be determined by the Legislative Services Office and the Division of Financial Management. The first report shall be submitted no later than December 31, 2018, and the second report shall be submitted no later than June 30, 2019.

SENATE JOINT MEMORIALS

(S.J.M. No. 104)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the 2012 federal transportation bill, MAP-21, mandated electronic logging devices (ELD) in commercial trucks, which were to be finalized by rule in 2015, with an implementation date of December 18, 2017, in trucks of model year 2000 and newer; and

WHEREAS, because of the nature of the commodities hauled and normal industry scheduling uncertainty, livestock and agriculture commodity haulers requested exemption from this mandated transition from handwritten logbooks to the electronic log, and the United States Department of Transportation (USDOT) and the Federal Motor Carrier Safety Administration (FMCSA) originally ignored the request and agriculture commodity haulers; and

WHEREAS, the federal mandate and rule decreases efficiency, increases business expense and does little or nothing to improve safety in this segment of the trucking industry, and USDOT-FMCSA has not considered the special circumstances surrounding the transport of livestock, fish and insects, as these are the most perishable and fragile of all commodities and must be transported in the most efficient, timely and expedient manner as possible, and conformity with the ELD mandate and existing hours of services rule would result in delays off-loading and reloading of livestock and even the addition of a second driver on short hauls; and

WHEREAS, infrastructure for off-loading and holding of livestock do not readily exist and, if it did, extra handling of cargo would result in added stress, weight loss, additional expense and exposure to additional disease and biohazard, with no positive benefit to the animals; and

WHEREAS, heavy machinery service vehicles often drive long distances to reach a job site and remain at the location long enough to exceed the 14-hour service day thereby requiring either an additional driver or an overnight stay near the job site and subsequently decreasing efficiency and increasing business expense; and

WHEREAS, highway safety is also a primary consideration, and livestock transporters were involved in a statistically insignificant number of accidents (0.004%) according to the "Large Truck Crash Causation Study" published by the FMCSA and the National Highway Safety Institute and 0.7% of

fatal accidents per the "Trucks Involved in Fatal Accidents Factbook 2005" published by the Transportation Research Institute; and

WHEREAS, mandated ELDs engage when the truck's motor is started. The devices provide the operator no discretion in determining "on-duty" and "off-duty" time. Large, over-the-road commercial truck fleets support the ELD mandate because they are better able to absorb related costs and are subject to well-defined schedules; and

WHEREAS, paper logs allow the driver this determination. Because many livestock and agriculture commodity haulers are small and independently owned businesses, mandatory ELD use will result in increased livestock handling, more downtime, increased expenses, and lower net revenues to producers and trucking firms and small trucking companies forced out of business. The ELD mandate is impractical because USDOT-FMCSA did not consider normal delays that are encountered when dealing with livestock and other agriculture commodities; and

WHEREAS, in September 2017, seven national agriculture commodity organizations and other agriculture-related organizations requested a waiver from the rule, which was granted and will be in effect until March 18, 2018. Section 132, Exemption from Requirement for Electronic Logging Device, is contained in the FY18 federal Transportation, Housing and Urban Development (THUD) bill funding to implement the ELD mandate in FY18, and this language was signed by all members of Idaho's congressional delegation, and legislation was introduced in 2017 in the United States House of Representatives to make a livestock/agriculture commodity exemption permanent; and

WHEREAS, the federal mandate and rule is difficult to implement, increases cost, lowers efficiency, imposes an unfunded mandate, creates economic and regulatory hardship for small business and does not consider the special needs of certain segments of the trucking industry.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we request a permanent exemption from the USDOT-FMCSA ELD mandate granted by whichever means appropriate for livestock and agriculture commodity transporters.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States, the United States Department of Transportation and the Federal Motor Carrier Safety Administration.

Adopted by the Senate March 5, 2018

Adopted by the House March 16, 2018

HOUSE JOINT MEMORIALS

(H.J.M. No. 10)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF AGRICULTURE, THE SECRETARY OF THE INTERIOR, THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, mining played an integral role in the settlement of the West and Idaho in particular, hence its motto "The Gem State"; and

WHEREAS, mining activity for minerals including tungsten, antimony, gold and silver has taken place in the Stibnite Mining District in Valley County, Idaho, since 1899; and

WHEREAS, the supply of tungsten and antimony from the Stibnite Mining District was critical to the United States war efforts during World War II and the Korean War; and

WHEREAS, after decades of mining activity that largely pre-dated state and federal regulatory guidelines, standards and oversight left the Stibnite area in need of repair and a legacy of millions of tons of unlined tailings, blocked fish passage and conditions degrading water quality; and

WHEREAS, Midas Gold Idaho, Inc., has proposed to redevelop a portion of the historic Stibnite Mining District as outlined in the Stibnite Gold Project Plan of Restoration and Operations, delivered to the United States Forest Service in September 2016 for review under the National Environmental Policy Act (NEPA); and

WHEREAS, the Stibnite Gold Project is designed to clean up legacy environmental impacts before and during mining; and

WHEREAS, the United States dependency on foreign minerals has doubled in the last twenty years, and China controls 83% of the world's antimony resources. The Stibnite Gold Project would be the only domestic source of primary antimony, a critical component for flame retardants essential to the defense and energy sectors and for metal strengthening; and

WHEREAS, bureaucratic delays and redundant policies have expanded the time frame for environmental permitting to anywhere from seven to ten years, or longer, which is considerably longer than other countries with comparable environmental standards; and

WHEREAS, modern regulations require that companies set aside adequate financial assurances to cover the cost of environmental cleanup, ensuring that reclamation is completed; and

WHEREAS, once approved, the Stibnite Gold Project will provide a \$1 billion investment in Idaho, including upgrades to public infrastructure such as roads and power lines in rural Idaho. The project will provide approximately 1,000 well-paying direct and indirect jobs to Idahoans, and expand the economy with more than \$40 million in direct annual payroll during operations and hundreds of millions in federal, state and local taxes over the life of the project. This will be an economic boon to the people and businesses of the great State of Idaho, where rural communities have been hard-hit over recent decades; and

WHEREAS, over the last seven years, Midas Gold Idaho's involvement in the community, commitment to building a mine that will help the community and the environment, and dedication to being a partner with local communities proves they are the right team to undertake this project.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho supports actions by the U.S. Forest Service and other federal agencies, in partnership with agencies of the great State of Idaho and Valley County, to move forward to approve the Stibnite Gold Project in a timely and cost-effective manner to permit the redevelopment and restoration of the site.

BE IT FURTHER RESOLVED that we believe Midas Gold Idaho's commitment to mining in a way that restores and protects the environment will serve as a global template for responsible, sustainable and successful mining practices.

BE IT FURTHER RESOLVED that the federal government agencies commit adequate, experienced and knowledgeable personnel and sufficient financial resources to complete the review under NEPA and other laws and regulations as expeditiously as possible, while ensuring compliance with those laws and regulations.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of Agriculture, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 13, 2018

Adopted by the Senate February 22, 2018

(H. J. M. No. 11)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, since it was implemented in 1964, the Columbia River Treaty has provided for a coordinated management of the Columbia River to reduce flooding impacts and increase power generation throughout the Columbia River Basin; and

WHEREAS, the treaty provides that either the United States or Canada may terminate the treaty by providing written notice at least 10 years in advance of termination; and

WHEREAS, the U.S. and Canadian entities previously reviewed the treaty and determined that the treaty should be modified; and

WHEREAS, on December 7, 2017, the U.S. State Department issued a press release stating that the United States and Canada will begin negotiations to modernize the treaty in early 2018; and

WHEREAS, the U.S. Entity Regional Recommendation of 2013 concluded that the purposes of a "modernized" treaty should be expanded to include consideration of "ecosystem-based function" in addition to the original flood control and hydropower purposes of the treaty; and

WHEREAS, unless otherwise agreed to, the treaty provides that, in 2024, flood control operations will automatically shift from providing guaranteed flood control space in Canadian reservoirs to "called upon" flood control operations; and

WHEREAS, the U.S. and Canadian entities have provided differing interpretations of the "called upon" flood control provisions, with the U.S. Entity asserting that "called upon" operations apply only to dams in the Columbia River Basin specifically authorized for "system-wide flood control," and the Canadian Entity taking the position that all U.S. storage projects in the Columbia River Basin must be utilized for system-wide flood control before Canadian reservoirs are called upon to provide any flood control space; and

WHEREAS, altered flood control operations could have devastating impacts on reservoir storage and operation levels, irrigation, recreation, hydropower, local flood control and other authorized purposes in Idaho; and

WHEREAS, the Canadian Entitlement, whereby the U.S. and Canadian entities share the increased power production created by coordinated river operations, has proven to be imbalanced in favor of Canada; and

WHEREAS, including ecosystem-based function in a modernized treaty could have adverse impacts on existing beneficial uses of the river and create greater uncertainty in a river system that is already heavily regulated; and

WHEREAS, the Regional Recommendation fails to recognize the substantial investment in ecosystem-based function made by Northwest region hydropower producers and their customers, including billions of dollars invested in fish passage and habitat efforts and the development and implementation of robust environmental mitigation plans; and

WHEREAS, navigation should be protected, and adverse flows should not impact the transportation channel or lock system operations.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the U.S. Department of State to support the following positions in negotiations with Canada regarding any modification or future implementation of the Columbia River Treaty:

- (1) Recognize and protect the authorized purposes and water rights for storage projects in Idaho, including irrigation, recreation, hydropower and local flood control;
- (2) Advocate that only storage projects specifically authorized by Congress for system-wide flood control may be required to provide such benefits under the treaty, with no increased flood control burden placed on projects in Idaho;
- (3) Recognize a need to review and rebalance the Canadian Entitlement;
- (4) Recognize the ecosystem benefits that have already been provided by storage projects in the United States pursuant to the other federal laws and refrain from advocating for additional ecosystem contributions from U.S. projects;

- (5) Recognize that ecosystem restoration, as that term has been used by some proponents of modernization, is intentionally vague and if incorporated into an international treaty could be used as a vehicle to override and infringe upon existing federal environmental laws and usurp state sovereignty over water and, therefore, require any treaty modification to preserve federal environmental protection laws and state water laws and reject any additional mitigation requirements;
- (6) Require any treaty modification to recognize the primary authority and state sovereignty of Idaho and its sister states over their respective water resources;
- (7) Reject any attempts through the treaty modification process to incorporate the reintroduction of anadromous species above Hells Canyon or Dworshak, as such efforts are outside the scope of the treaty purposes; and
- (8) Protect navigation so that adverse flows do not impact the transportation channel or block system operations.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States, the U.S. Department of State, the Columbia River Treaty Negotiator, the U.S. Entity Coordinator, Bonneville Power Administration and the U.S. Army Corps of Engineers.

Adopted by the House March 1, 2018

Adopted by the Senate March 8, 2018

(H.J.M. No. 12)

A JOINT MEMORIAL

TO THE UNITED STATES SECRETARY OF TRANSPORTATION, THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Congress has delegated authority to the United States Secretary of Transportation to prescribe regulations on minimum standards for written and driving tests of an individual operating a motor vehicle; and

WHEREAS, Congress granted authority to the United States Secretary of Transportation to prescribe different minimum testing standards for different classes of commercial motor vehicles; and

WHEREAS, Congress provided by law in 49 U.S.C. 31301 that one factor in establishing whether a vehicle is a commercial motor vehicle is whether the vehicle has a gross vehicle weight rating or gross vehicle weight of no more than 26,001 pounds, but made no mention of combination vehicles pulling trailers; and

WHEREAS, the United States Secretary of Transportation has prescribed regulations that apply the trigger weight to a combination of vehicles if a vehicle being towed exceeds 10,000 pounds. For example, the operator of a commercial truck weighing 15,500 pounds that tows a trailer weighing 11,000 pounds would be required to obtain a Class A commercial driver's license; and

WHEREAS, many small businesses use trailers in their work, such as landscape work and construction or repair work; and

WHEREAS, requiring small business owners to obtain commercial driver's licenses in order to pull trailers behind their trucks poses an unnecessary obstacle to the ability of small business owners to earn their living.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the United States Secretary of Transportation is urged to revise regulations to provide that the weight of a trailer being pulled by a commercial motor vehicle may not be included in the trigger weight of 26,001 pounds, requiring the truck's operator to have a commercial driver's license.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the United States Secretary of Transportation, the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 22, 2018

Adopted by the Senate March 6, 2018

(H.J.M. No. 14)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Antiquities Act was passed by the United States Congress and signed into law by President Theodore Roosevelt on June 8, 1906. The law gives the President of the United States the authority to, by presidential proclamation, create national monuments from federal lands to protect significant natural, cultural or scientific features. The law has been used more than one hundred times since its passage; and

WHEREAS, the Wilderness Act was passed in 1964 and, since that time, the United States Congress has designated nearly 110 million acres of federal wildlands as official wilderness, which has the highest form of protection of any federal wildland; and

WHEREAS, almost sixty-two percent of land in Idaho is federal land; and

WHEREAS, residents of the State of Idaho support multiple use of public land. Current multiple use and private land protection policies governing the management of public land in Idaho have generally served and sustained the interests of Idaho residents; and

WHEREAS, ranching and agriculture play a substantial role in the state's heritage and identity and should be preserved; and

WHEREAS, ranching, agriculture, mining, the forestry industry and recreation are primary economic drivers in the state, with agribusiness and recreation each contributing an estimated \$7.6 billion, the mining industry contributing \$1.3 billion and the forestry industry contributing \$2 billion to the economy annually in recent years, all of which would be substantially impacted by any land management changes; and

WHEREAS, Idaho residents, families and visitors currently enjoy multiple use on federal lands and have generations of family traditions. Changing federal land designations would impact local wildlife management as well as opportunities to hunt and fish; and

WHEREAS, changes in federal land designations or classifications would affect land use by imposing restrictions on development, resource extraction, recreation and land exchanges that would result in diminished economic opportunities and restrictions on access and multiple use; and

WHEREAS, the people of the State of Idaho value abundant water resources and water rights and have concern that new national monument designations or further designation of wilderness by Congress could affect those resources and rights; and

WHEREAS, the Idaho Roadless Rule is Idaho's 2006 plan that provides a framework for use and protection of more than nine million acres of federal public backcountry. The rule is viewed as a nationwide model of collaboration among groups and individuals with diverse interests and concerns; and

WHEREAS, the Roadless Rule specifically prescribes protective management under the wildland recreation theme, and it is feared that utilization of the Antiquities Act for new national monument designations or further designation of wilderness by Congress would overturn the agreement reached in the formulation of the Idaho Roadless Rule, with no effort to reach consensus through coordination as required by federal law; and

WHEREAS, several years ago, advisory votes relating to a suggested new national monument designation and a wilderness designation in Idaho were held in a number of potentially affected counties in central and eastern Idaho, both showing over ninety percent opposition to such designations.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we oppose any new federal national monument designations or further designations of wilderness in the State of Idaho without the approval of the United States Congress and the Idaho Legislature.

BE IT FURTHER RESOLVED that the Idaho congressional delegation is urged to introduce and support legislation to oppose any new federal national monument designations or further designations of wilderness in the State of Idaho without the approval of the United States Congress and the Idaho Legislature.

BE IT FURTHER RESOLVED that any efforts to reach decisions regarding lands and resources of the State of Idaho administered by federal agencies or their designees be made through the lawful coordination process as required by the National Environmental Policy Act, the Federal Land Policy and Management Act, the National Forest Management Act, the 2012 Forest Service Planning Rule and other federal acts requiring coordination, rather than by unilateral administrative processes that exclude the residents of the State of Idaho.

BE IT FURTHER RESOLVED that, nothing in this Joint Memorial is intended to conflict with the maximization of the collaborative process and the Good Neighbor Authority, together with the tools available to address stakeholder interests in the management of federal lands.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 1, 2018

Adopted by the Senate March 8, 2018

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 125)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING FOR THE AMENDMENT OF JOINT RULE 4 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF IDAHO.

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

WHEREAS, the Senate and the House of Representatives deem it necessary and desirable to amend Joint Rule 4 of the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Joint Rule 4 of the Senate and the House of Representatives shall be amended to read as follows:

JOINT RULE 4

Enrolling and Engrossing. -- After a bill ~~has~~ shall have passed both houses, it shall be enrolled by the enrolling clerk of the house from which it originated not later than 48 hours after the time of passage. All bills, memorials, and resolutions shall be engrossed only in the house in which they originated.

Adopted by the Senate January 18, 2018

Adopted by the House January 30, 2018

(S.C.R. No. 126)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND HONORING LEWIS-CLARK STATE COLLEGE FOR ITS HISTORICAL ROOTS, EDUCATIONAL ACCOMPLISHMENTS PAST AND PRESENT AND LIFELONG LEARNING OPPORTUNITIES FOR THE STUDENTS OF TODAY AND TOMORROW.

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

WHEREAS, Lewis-Clark State College, established in 1893, is the second-oldest public higher education institution in Idaho and has been wholly committed to and has exceptionally served its students, community, region and the State of Idaho for one hundred twenty-five years; and

WHEREAS, as Idaho's most affordable four-year public institution with seventy-six percent of its student body composed of first-generation stu-

dents, Lewis-Clark State College has played, and continues to play, a key role in making college a possibility for all; and

WHEREAS, the dedication, caring nature and excellence of its faculty, staff, alumni and supporters make the educational experience and results at Lewis-Clark State College unique, second to none and a perfect complement to Idaho's higher education system; and

WHEREAS, the college boasts excellent programs in both academic and technical fields, including an expanding Career and Technical Education program that is poised to provide increased support to Idaho's industry and workforce needs; and

WHEREAS, having seen its enrollment increase by twenty percent over the past ten years and with three straight years of record numbers of graduates, Lewis-Clark State College is one of Idaho's growing institutions and one with great potential and ambition for future accomplishments and service; and

WHEREAS, Lewis-Clark State College is ranked as the top college in the United States for serving nontraditional students by Best College Reviews and is consistently ranked as one of the five best regional public colleges in the West by U.S. News and World Report.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize and honor Lewis-Clark State College for its historical roots, educational accomplishments past and present and lifelong learning opportunities for the students of today and tomorrow.

Adopted by the Senate January 18, 2018

Adopted by the House January 23, 2018

(S.C.R. No. 127)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING THE IDAHO COMMUNITY FOUNDATION ON ITS THIRTIETH ANNIVERSARY FOR ITS OUTSTANDING CHARITABLE AND PHILANTHROPIC ENDEAVORS AND SERVICES TO THE PEOPLE OF IDAHO.

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

WHEREAS, the Idaho Community Foundation (ICF) was created in 1988 for the purpose of collecting, investing and granting funds for charitable and philanthropic purposes; and

WHEREAS, since its creation, ICF has provided more than \$104 million in nonprofit grants, scholarships and community improvements; and

WHEREAS, most contributions to ICF have directly benefited Idaho and Idahoans; and

WHEREAS, ICF has more than 500 charitable funds to support the philanthropic interests of its donors, including education, conservation, health and the arts; and

WHEREAS, ICF has three offices statewide, in Boise, Coeur d'Alene and Idaho Falls; and

WHEREAS, all of ICF's thirty board members and sixteen staffers are proud to call Idaho home; and

WHEREAS, ICF is celebrating its thirtieth anniversary in 2018; and

WHEREAS, ICF has provided outstanding and continuing support to Idaho organizations, families and students.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we honor and recognize the Idaho Com-

munity Foundation for its outstanding charitable and philanthropic endeavors.

BE IT FURTHER RESOLVED that we congratulate ICF on the event of its thirtieth anniversary and wish it continued success.

BE IT FURTHER RESOLVED that we thank ICF for its tremendous service to the people of Idaho.

Adopted by the Senate January 31, 2018

Adopted by the House March 6, 2018

(S.C.R. No. 128)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING IDAHOANS TO DEVOTE MARCH 1, 2018, THROUGH MARCH 2, 2020, AS A PERIOD OF PREPARATION FOR THE CENTENNIAL OF THE PASSAGE OF THE 19TH AMENDMENT AND TO PLAN COMMEMORATION ACTIVITIES THAT WILL HONOR AND RECOGNIZE WOMEN LEADERS OF THE PAST AND PRESENT, FOSTER WOMEN LEADERS OF THE FUTURE, ADVANCE WOMEN'S LEADERSHIP IN BUSINESS AND POLITICS, AND ENCOURAGE WOMEN TO VOTE.

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

WHEREAS, in 1896, Idaho became the fourth state in the nation to give women the right to vote; and

WHEREAS, in 1898, Idahoans elected Permeal French as the first woman Superintendent of Public Instruction; and Mary Wright, Harriet Noble and Clara Campbell to the Idaho House of Representatives, where they made significant impacts in the areas of education, literacy and social justice; and

WHEREAS, August 18, 2020, marks the centennial passage of the 19th Amendment, granting women the right to vote throughout the United States of America; and

WHEREAS, the period before national suffrage witnessed some of Idaho's most significant historical events that still impact the lives of Idahoans today; and

WHEREAS, it is proper, at the time of the 100th anniversary of the passage of the 19th Amendment, to enshrine the right of women to vote; and

WHEREAS, the centennial of the 19th Amendment is a proper time to honor and recognize women leaders of our past and present who, through their skill, conviction, empathy and determination, have had significant, positive impacts on Idahoans, personally and professionally; and

WHEREAS, it is in the State of Idaho's interest to foster women leaders of the future and advance their leadership in business and politics; and

WHEREAS, celebration of the centennial of the 19th Amendment will help encourage women to exercise their right to vote; and

WHEREAS, Idahoans today are proud of their storied history and demonstrate their continued spirit and perseverance in creating Idaho's and the nation's future.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we encourage Idahoans to devote March 1, 2018, through March 2, 2020, as a period of preparation for the centennial of the passage of the 19th Amendment and to plan commemoration activities that will honor and recognize women leaders of the past and present, foster women leaders of the future, advance women's leadership in business and politics, and encourage women to vote.

Adopted by the Senate February 13, 2018

Adopted by the House March 8, 2018

(S.C.R. No. 129)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE ADOPTION OF POLICIES THAT BUILD THE CAPACITY OF THE FAMILY TO BE SELF-SUFFICIENT RATHER THAN INCREASE GOVERNMENT PROGRAMS .

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

WHEREAS, families are the most important and basic unit of society; and
WHEREAS, as societies mature, power, responsibility and resources tend to migrate away from families and individuals to institutions, most notably government; and

WHEREAS, as power and resources migrate away from families, families are weakened and harmed; and

WHEREAS, increasing the number of functional, or self-funded, families is important for the long-term economic and social health of the State of Idaho; and

WHEREAS, a functional family provides its own food, clothing, housing, health care, transportation and other social services at no cost to other taxpayers; and

WHEREAS, a family that provides its own social services does so more efficiently than government agencies that provide similar services; and

WHEREAS, the increase in government budgets in the last 100 years is linked to three main budget areas: health care, education, poverty and entitlement programs; and

WHEREAS, these three budget items were responsibilities historically fulfilled by families and other nongovernment organizations; and

WHEREAS, when government provides these services, overhead costs are higher while placing a burden on other taxpayers; and

WHEREAS, government agencies that compete with functional families by providing similar services have a tendency to crowd out the family and undermine family responsibilities; and

WHEREAS, most existing government-funded poverty programs suffer from a fatal flaw of trying to redistribute wealth rather than increasing the productive capacity of the poor and needy. The emphasis of such programs is on equalizing consumption rather than increasing the productive capacity of the poor and needy, so they can become self-sufficient and independent; and

WHEREAS, if there were more functional families in Idaho, state support and spending on health care, education, and poverty and entitlement programs could either stabilize or decrease, with improved outcomes; and

WHEREAS, so far in the history of the State of Idaho, the Legislature has been more successful in funding government poverty programs than in devising ways to reengage and empower the family; and

WHEREAS, families need resources and choices in order to become reempowered; and

WHEREAS, government cannot decree that families become functional; families must make this choice on their own. However, government can set up conditions under which families may choose to accept greater responsibility; and

WHEREAS, the elimination of current programs would cause disruption, fear and chaos. However, it is the desire of the Legislature to increase the number of functional or self-funded families; and

WHEREAS, as the percentage of functional families increases, so does societal stability and strength; and, as the number of functional families decreases, crime, poverty and social problems increase, and the budgets required to address social ills also increase; and

WHEREAS, the Idaho Legislature wishes to facilitate an increase in the number of functional families; and

WHEREAS, three areas of focus where increasing the role, power and influence of the family can have great impact are health care, education, and poverty and entitlement programs.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature encourages health care policies that increase funding available to families, such as funded health savings accounts, so that families may decide how to use the funds to increase access to primary and preventative care.

BE IT FURTHER RESOLVED that the Legislature encourages the adoption of education policies that empower students and parents including but not limited to: mastery-based education that allows students to have more control over what is learned, the speed of learning and the type of learning that takes place; the growth of career technical education and apprenticeship programs for high school students so that upon leaving high school they have the ability to secure good high-paying jobs; and providing other choice programs in education, both in and outside of traditional public schools, that allow parents to find the education choice that best fits the needs of their child.

BE IT FURTHER RESOLVED that the Legislature urges the Department of Health and Welfare to consider the creation of a pilot program with state funds, so state rules can be followed that will help participants pass through poverty quickly and reach financial independence, and encourages the Department of Health and Welfare to find other ways to build the capacity of the family to self-fund rather than simply increase the size of public programs.

Adopted by the Senate February 9, 2018

Adopted by the House March 6, 2018

(S.C.R. No. 130)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE IDAHO TRANSPORTATION DEPARTMENT INITIATE NEGOTIATED RULEMAKING FOR THE PURPOSE OF CONSOLIDATING ANNUAL PERMITS ISSUED TO CERTAIN COMMERCIAL VEHICLES.

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

WHEREAS, the State of Idaho requires the operators of commercial vehicles to obtain permits for many activities; and

WHEREAS, the Idaho Transportation Department issues approximately 47,000 annual permits each calendar year; and

WHEREAS, the permits are frequently issued for one purpose only; and

WHEREAS, many commercial vehicles are therefore required to obtain several permits from the Idaho Transportation Department; and

WHEREAS, in some cases, a commercial vehicle might need as many as 10 permits in order to operate; and

WHEREAS, the issuance of each permit is a separate administrative task for the Idaho Transportation Department; and

WHEREAS, consolidating permits and streamlining the permitting process could greatly reduce the administrative burden on the Idaho Transportation Department without reducing its power of oversight; and

WHEREAS, fewer permits could also reduce the training burden on law enforcement agencies, whose officers must understand the requirements associated with each permit, and could likewise reduce the opportunities for error in the enforcement process; and

WHEREAS, the Legislature has received requests from stakeholders to consolidate annual permits to the extent possible; and

WHEREAS, the Legislature recognizes that personnel at the Idaho Transportation Department are the subject matter experts on Idaho's permitting process; and

WHEREAS, consolidation of annual permits and streamlining the permitting process would require a cost analysis by the Idaho Transportation Department to identify the fees necessary for a cost-neutral permit program.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature requests that the Idaho Transportation Department initiate negotiated rulemaking for commercial motor vehicle annual permits.

BE IT FURTHER RESOLVED that the scope of the requested rulemaking should involve the consolidation of existing annual permits for vehicles that exceed legal size and weight.

BE IT FURTHER RESOLVED that if, in the negotiated rulemaking process, the Idaho Transportation Department identifies statutory changes necessary to consolidate permits, the Legislature requests that the Department notify the chairman of the Senate Transportation Committee, the chairman of the House Transportation and Defense Committee, and the Legislative Services Office, Division of Research and Legislation, of the necessary changes.

Adopted by the Senate February 13, 2018

Adopted by the House March 2, 2018

(S.C.R. No. 131)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING JUNE AS CYTOMEGALOVIRUS AWARENESS MONTH IN IDAHO.

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

WHEREAS, the Centers for Disease Control and Prevention report that one in every 200 children is born with congenital cytomegalovirus (CMV); and

WHEREAS, CMV is the most common congenital infection in the United States and is the most common viral cause of birth defects and developmental disabilities, including deafness, blindness, cerebral palsy, mental and physical disabilities and seizures; and

WHEREAS, pregnant women are one of the highest-risk groups for contracting CMV; and

WHEREAS, most people are not aware when they are infected with CMV; and

WHEREAS, congenital CMV is preventable with simple behavioral interventions while pregnant, such as frequent hand-washing, refraining from kissing young children on the mouth and refraining from sharing food, towels or utensils with young children; and

WHEREAS, CMV infection is more common than the combined metabolic endocrine disorders currently in the core newborn screening panel for the United States; and

WHEREAS, the rate of children born with congenital CMV could be significantly reduced with public education; and

WHEREAS, it is in the public health interest to increase awareness of the risks associated with CMV and the measures necessary to prevent CMV infection.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that June shall be recognized as CMV Awareness Month in Idaho.

Adopted by the Senate February 13, 2018

Adopted by the House March 7, 2018

(S.C.R. No. 132)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE 50TH ANNIVERSARY OF THE WILD AND SCENIC RIVERS ACT AND CELEBRATING THE CONTRIBUTIONS THAT IDAHOANS HAVE MADE TO PROTECT AND APPRECIATE RIVERS AND STREAMS IN IDAHO AND ACROSS THE NATION, STATING THAT AS LAND MANAGEMENT AGENCIES CONSIDER CHANGES TO FUTURE WILD AND SCENIC RIVER DESIGNATIONS, THOSE CHANGES SHOULD BE CONSIDERED ONLY THROUGH A TRANSPARENT PROCESS THAT INCLUDES INPUT FROM IDAHOANS, INCLUDING THOSE MOST IMPACTED BY ANY NEW DESIGNATIONS, AND STATING THAT THE FEDERAL LAND MANAGEMENT AGENCIES WITH RESPONSIBILITY OVER IDAHO'S WILD AND SCENIC RIVERS DIRECT ADEQUATE FINANCIAL RESOURCES AND EXPERTISE TO ENSURE THE ONGOING PROTECTION, MANAGEMENT, UTILIZATION AND ENJOYMENT OF DESIGNATED WILD AND SCENIC RIVERS IN IDAHO.

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

WHEREAS, the United States Congress approved the Wild and Scenic Rivers Act (WSRA) on October 2, 1968, to preserve certain rivers that possess outstandingly remarkable scenic, recreational or other similar values in free-flowing condition and to protect such rivers for the benefit and enjoyment of present and future generations; and

WHEREAS, Idaho's former United States Senator Frank Church served as the author, sponsor and floor manager for the bill in the U.S. Senate; and

WHEREAS, Idaho's former United States Representatives George Hansen and James McClure cosponsored the House version of the bill; and

WHEREAS, the Middle Fork Clearwater, Selway, Lochsa, and Middle Fork Salmon Rivers were designated as "original" Wild and Scenic Rivers upon passage of the Wild and Scenic Rivers Act; and

WHEREAS, the Saint Joe, Salmon, Snake and Rapid Rivers were added to the network of Wild and Scenic Rivers with the support of the Idaho congressional delegation under various acts passed by the United States Congress in the 1970s and 1980s; and

WHEREAS, the Bruneau, West Fork Bruneau, Jarbidge, Owyhee, North Fork Owyhee and South Fork Owyhee Rivers, along with Battle, Big Jacks, Cottonwood, Deep, Dickshooter, Duncan, Little Jacks, Red Canyon, Sheep and Wickahoney Creeks, were designated as Wild and Scenic Rivers pursuant to the Omnibus Public Lands Management Act of 2009, by and through the recommendation of the collaborative Owyhee Public Lands Initiative and with the support and leadership of Idaho's U.S. Senator Michael Crapo; and

WHEREAS, Idaho has 891 miles of rivers and streams designated under the Wild and Scenic Rivers Act, which represents less than 1% of the state's 107,651 miles of rivers; and

WHEREAS, the protections established by Congress have permitted millions of Americans to enjoy the natural beauty of our nation's rivers and have resulted in additional visitation and tourism that contributes significantly to Idaho's economy; and

WHEREAS, Idaho's river outfitters and guides rely upon the free-flowing nature of Idaho's Wild and Scenic Rivers and contribute significantly toward the economy of rural communities across Idaho; and

WHEREAS, Idaho's Wild and Scenic Rivers provide important habitat for steelhead, salmon and trout, which are important for recreational and tribal fisheries alike; and

WHEREAS, the State of Idaho and its citizens recognize the importance of the protection of streams and watercourses for the enjoyment, use and benefit of all people and recognize that clean water in the streams of Idaho is in the public interest; and

WHEREAS, the State of Idaho explicitly recognizes, retains and exercises its appropriate authority over management of navigable riverbeds, adjacent roadways and commercial corridors; and

WHEREAS, the State of Idaho encourages the federal government to work with state partners and stakeholders to resolve potential disputes associated with the management of Wild and Scenic Rivers in a transparent and collaborative manner; and

WHEREAS, the State of Idaho, the United States of America, and other interested parties have signed stipulated agreements regarding objections to in-stream federally reserved water rights claimed pursuant to the federal Wild and Scenic Rivers Act; and

WHEREAS, these stipulated agreements are referred to as the Wild and Scenic Agreement, which quantifies the federally reserved in-stream water rights on specific Wild and Scenic Rivers in Idaho; and

WHEREAS, in addition to quantifying the Wild and Scenic Water Rights, the Wild and Scenic Agreement subordinated the Salmon River's Wild and Scenic Water Right to certain existing and future water uses and required detailed administration of existing and new water rights to ensure water use conforms to all elements of the water rights; and

WHEREAS, the Snake River Basin Adjudication court approved and adopted the agreement as a court order, and thus finally settled and resolved the in-stream flow claims.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State of Idaho recognizes the 50th Anniversary of the Wild and Scenic Rivers Act and celebrates the contributions that Idahoans have made to protect and appreciate rivers and streams in Idaho, and across the nation.

BE IT FURTHER RESOLVED that as land management agencies consider changes to future Wild and Scenic River designations, those changes should be considered only through a transparent process that includes input from Idahoans, including those most impacted by any new designations.

BE IT FURTHER RESOLVED that the federal land management agencies with responsibility over Idaho's Wild and Scenic Rivers direct adequate financial resources and expertise to ensure the ongoing protection, management, utilization and enjoyment of designated Wild and Scenic Rivers in Idaho.

Adopted by the Senate February 20, 2018

Adopted by the House March 8, 2018

(S.C.R. No. 134)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE IMPOSITION OF REGISTRATION AND OPERATING FEES FOR COMMERCIAL VEHICLES AND FARM VEHICLES WEIGHING OVER 60,000 POUNDS.

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

WHEREAS, in Senate Concurrent Resolution 116, adopted in 2017, the Legislature authorized the Legislative Council to appoint a committee to undertake and complete a study of the imposition of an annual registration fee and a quarterly weight-distance operating fee on commercial vehicles and farm vehicles weighing over 60,000 pounds; and

WHEREAS, the Commercial Vehicle Annual Registration Fee Committee met five times between August 2017 and January 2018 to study the issue and take stakeholder testimony; and

WHEREAS, it was the consensus of the committee that further study of the issue was necessary before recommendations could be made to the Legislature; and

WHEREAS, it was likewise the consensus of the committee that the committee's study may benefit from the assistance of a consultant or consultants with expertise relevant to the committee's study; and

WHEREAS, the committee issued a request for information on October 16, 2017, to familiarize the committee with the specific services that a consultant could provide.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the imposition of registration and operating fees for commercial vehicles and farm vehicles weighing over 60,000 pounds. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the committee, with the prior approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, be authorized to retain the services of a consultant or consultants with expertise relevant to the study of the imposition of registration and operating fees for heavy vehicles and who can advise and assist the committee in developing recommendations for the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-fifth Idaho Legislature.

Adopted by the Senate February 20, 2018

Adopted by the House March 16, 2018

(S.C.R. No. 135)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE IDAHO DEPARTMENT OF HEALTH AND WELFARE TO CONDUCT TOWN HALL MEETINGS THROUGHOUT THE STATE TO COLLECT FEEDBACK ON HOW TO RETAIN AND RECRUIT VOLUNTEER EMERGENCY MEDICAL SERVICES PROVIDERS.

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

WHEREAS, Idaho is predominantly a rural state that relies heavily on volunteers for the provision of emergency medical services (EMS); and

WHEREAS, the existence of competent volunteer EMS providers throughout Idaho is vital to the well-being of all those who live in or visit Idaho; and

WHEREAS, the requirements placed on volunteer EMS providers must provide an assurance of public safety while not being onerous to the point that volunteer participation is discouraged; and

WHEREAS, in 2012, at the request of the Legislature, the Idaho Department of Health and Welfare conducted a series of outreach town hall meetings throughout the state that provided feedback and suggestions for improvement in the programs, policies, plans and procedures that support and regulate emergency medical services in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature encourages the Idaho Department of Health and Welfare to conduct follow-up town hall meetings throughout Idaho to collect firsthand feedback on the progress that has been made in the years since the initial outreach town hall meetings.

BE IT FURTHER RESOLVED that the Department should schedule the town hall meetings in the evening hours to enable maximum participation by concerned stakeholders and should hold the town hall meetings in locations that will enable concerned stakeholders to attend without having to drive farther than 50 miles whenever possible.

BE IT FURTHER RESOLVED that the Department should facilitate the town hall meetings in such a manner as to gather as much feedback and suggestions for improvement as possible and should consider the feedback received during the town hall meetings as the Department continues to develop the programs, policies, plans and procedures that support and regulate emergency medical services in Idaho.

BE IT FURTHER RESOLVED that members of the Legislature are encouraged to attend town hall meetings in their districts in order to hear the firsthand feedback and to participate in the discussion.

BE IT FURTHER RESOLVED that EMS stakeholders from local communities are encouraged to attend and actively participate in a town hall meeting in their area.

Adopted by the Senate February 21, 2018

Adopted by the House March 7, 2018

(S.C.R. No. 136)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING MARCH 2018 AS NATIONAL SOCIAL WORK MONTH.

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

WHEREAS, the social work profession is dedicated to enhancing the well-being of others and meeting the basic needs of all people, especially the most vulnerable in our society; and

WHEREAS, social workers embody this year's Social Work Month theme, "Social Workers: Leaders. Advocates. Champions."; and

WHEREAS, the social work profession is expected to grow faster than average over the next 7 years, with more than 649,000 people expected to be employed nationally as social workers by 2024; and

WHEREAS, there are approximately 5,000 professional social workers in the State of Idaho; and

WHEREAS, social workers are present throughout our society, including the government, schools, universities, social service agencies, communities, the military and in health care and mental health organizations; and

WHEREAS, social workers are the largest group of suppliers of mental health services in the United States, and the U.S. Department of Veterans Affairs is one of the largest employers of social workers holding advanced degrees; and

WHEREAS, social workers are present in times of crisis, helping people overcome issues such as death and grief and helping people and communities recover from natural disasters such as floods and hurricanes; and

WHEREAS, social workers have pushed for decades to ensure rights for all, including women, African Americans, Latinos, people who are disabled, people who are LGBTQ and various ethnic, cultural and religious groups; and

WHEREAS, the social work profession has helped bring about some of the most profound and positive changes in our society over the past century, including voting rights, improved workplace safety, and minimum wage and social safety net programs that help prevent poverty and hunger; and

WHEREAS, social workers continue to engage and bring together individuals, communities, agencies and government to help society solve some of the most pressing issues of the day, including immigration reform, equal rights for all, affordable and high-quality health care and mental health care for all, as well as protecting the environment.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that, in recognition of the numerous contributions made by America's social workers, we proclaim March 2018 as National Social Work Month and call upon all citizens to join the National Association of Social Workers and the Legislature of the State of Idaho in celebration and support of the social work profession.

Adopted by the Senate February 21, 2018

Adopted by the House March 8, 2018

(S.C.R. No. 137)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE IDAHO STATE POLICE RELATING TO RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho State Police relating to Rules of the Idaho Peace Officer Standards and Training Council are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 11.11.01, Rules of the Idaho Peace Officer Standards and Training Council, Section 201., Subsection 01.d., adopted as a pending rule under Docket Number 11-1101-1701, only, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 26, 2018

Adopted by the House March 15, 2018

(S.C.R. No. 138)

A CONCURRENT RESOLUTION

STATING FINDINGS OF FACT AND URGING THAT THE PEOPLE OF THE STATE OF IDAHO AND ITS STATE AND COUNTY OFFICIALS CAREFULLY MONITOR THE STATE OF WASHINGTON'S ACTIONS REGARDING ITS TIME ZONE AND BE PREPARED TO CONSIDER REQUESTING THAT THE UNITED STATES DEPARTMENT OF TRANSPORTATION INCLUDE IDAHO'S NORTHERN TEN COUNTIES CONSISTING OF BENEWAH, BONNER, BOUNDARY, CLEARWATER, IDAHO, KOOTENAI, LATAH, LEWIS, NEZ PERCE AND SHOSHONE WITHIN THE MOUNTAIN STANDARD TIME ZONE AND EXEMPT THOSE COUNTIES FROM DAYLIGHT SAVING TIME AND DIRECTING THE SECRETARY OF THE SENATE TO FORWARD A COPY OF THIS SENATE CONCURRENT RESOLUTION TO THE WASHINGTON STATE LEGISLATURE.

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

WHEREAS, Idaho's northern ten counties, consisting of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone, are currently in the Pacific Standard Time Zone and the remaining 34 counties in the state are in the Mountain Standard Time Zone; and

WHEREAS, the State of Washington currently follows Pacific Standard Time but may be considering requesting the United States Department of Transportation to change its time zone to Mountain Standard Time and exempt it from following Daylight Saving Time; and

WHEREAS, in the event the State of Washington does make such a request and that request is granted by the United States Department of Transportation, there would be a significant impact on the convenience of commerce for the ten northern Idaho counties currently in the Pacific Standard Time Zone. Impacts that would be experienced include impacts to the conduct of busi-

ness across state lines, transportation, health care and employment, particularly when the State of Montana also follows Mountain Standard Time; and

WHEREAS, the State of Idaho should carefully monitor the State of Washington's actions regarding its time zone and be prepared to consider requesting that the United States Department of Transportation include Idaho's northern ten counties consisting of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone within the Mountain Standard Time Zone and exempt those counties from Daylight Saving Time. Furthermore, that the State of Idaho should notify the State of Washington that it is prepared to act.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the people of the State of Idaho and its state and county officials to carefully monitor the State of Washington's actions regarding its time zone and be prepared to consider requesting that the United States Department of Transportation include Idaho's northern ten counties consisting of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone within the Mountain Standard Time Zone and exempt those counties from Daylight Saving Time.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Senate Concurrent Resolution to the Washington State Legislature.

Adopted by the Senate February 28, 2018

Adopted by the House March 8, 2018

(S.C.R. No. 139)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE IDAHO STATE POLICE RELATING TO RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho State Police relating to Rules of the Idaho Peace Officer Standards and Training Council are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 11.11.01, Rules of the Idaho Peace Officer Standards and Training Council, Section 064., Subsection 05., adopted as a pending rule under Docket Number 11-1101-1701, only, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate March 2, 2018

Adopted by the House March 15, 2018

(S.C.R. No. 140)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE DEPARTMENT OF HEALTH AND WELFARE TO ENTER INTO AN AGREEMENT WITH THE IDAHO STATE BUILDING AUTHORITY TO FINANCE A NEW SKILLED NURSING FACILITY ON THE IDAHO STATE HOSPITAL SOUTH CAMPUS.

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

WHEREAS, the Idaho Department of Health and Welfare owns and operates the skilled nursing facility at State Hospital South licensed for 29 skilled nursing beds, known as Syringa Chalet; and

WHEREAS, Syringa Chalet was built in 1938 and, despite numerous renovations, continues to have potentially serious health and safety concerns and inefficiencies; and

WHEREAS, the concerns and risks associated with the aging building include, but are not limited to: obsolete plumbing, barriers to wireless communications in emergencies, poorly functioning elevators, and the lack of a kitchen; and

WHEREAS, evacuating residents from the Syringa Chalet in an emergency would be a long and difficult process, which is a major safety concern; and

WHEREAS, the Joint Commission and the Bureau of Facility Standards, which enforce the Center for Medicare and Medicaid Services' regulations, have expressed concern for the health of the residents, due to the aging infrastructure; and

WHEREAS, in February 2017, with the assistance of the Division of Public Works, the Department of Health and Welfare obtained a planning analysis that recommends the design and construction of a new facility and the demolition of the current Syringa Chalet; and

WHEREAS, the planning analysis recommends that the design and construction of a new facility include the capacity to expand within the initial footprint, in order to be able to meet any future additional needs arising from Idaho's increasing aged population; and

WHEREAS, the Department of Health and Welfare owns real property on the State Hospital South campus that will accommodate a new facility, allowing for the continued operation of skilled nursing services during the construction of the new facility; and

WHEREAS, the timing is favorable for bonding for the design, construction, and furnishing of the new facility.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature authorizes and provides approval for the Department of Health and Welfare to enter into an agreement or agreements with the Idaho State Building Authority, under such terms and conditions as may be reasonable and necessary, to provide financing to design, construct, furnish, and equip a new skilled nursing facility on real property currently owned by the Department of Health and Welfare on the Idaho State Hospital South campus and thereafter to demolish the existing skilled nursing facility known as Syringa Chalet.

BE IT FURTHER RESOLVED that this resolution constitutes the authorization required by the provisions of Section 67-6410, Idaho Code.

Adopted by the Senate March 6, 2018

Adopted by the House March 13, 2018

(S.C.R. No. 143)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO CONTINUE TO STUDY ISSUES RELATING TO CAMPAIGN FINANCE REFORM AND TO MAKE RECOMMENDATIONS.

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

WHEREAS, the Speaker of the House of Representatives and the President Pro Tempore of the Senate authorized in 2017 a working group of legislators to study campaign finance issues and to make recommendations to the Legislature; and

WHEREAS, the working group proposed campaign finance reform recommendations to the Legislature during the 2018 legislative session; and

WHEREAS, it is the opinion of the working group that numerous issues remain to be studied including, but not limited to, the modernization and simplification of the sunshine laws relating to campaign finance disclosures by candidates, lobbyists and political action committees, technology requirements for a single database to be operated through the Secretary of State's website, and increasing the transparency of the campaign process in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to continue and complete a study of issues relating to campaign finance reform. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-fifth Idaho Legislature.

Adopted by the Senate March 7, 2018

Adopted by the House March 14, 2018

(S.C.R. No. 146)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF OCCUPATIONAL LICENSING AND CERTIFICATION LAWS AND RULES IN IDAHO.

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

WHEREAS, the State of Idaho has enacted laws and rules regulating licensure and certification for many occupations; and

WHEREAS, regulation that is not necessary for the protection of the public's health, safety and interest can unreasonably restrict competition and entry into various occupations; and

WHEREAS, restrictions on licensure and certification can create unreasonable barriers to labor mobility by making it difficult for persons from other states to practice their occupations in Idaho; and

WHEREAS, on May 19, 2017, Lieutenant Governor Brad Little issued Executive Order No. 2017-06, regarding review of Idaho's licensure requirements for various occupations; and

WHEREAS, Executive Order No. 2017-06 required the executive departments of the State of Idaho to submit reports to the Governor's office by July 1, 2018, containing suggestions on occupational licensing requirements that may be modified or eliminated; and

WHEREAS, many occupational licensing and certification requirements are provided in statute, thus rendering legislative action necessary for modification or elimination; and

WHEREAS, the House Business Committee and the Senate Commerce and Human Resources Committee have formed the Regulatory Reform Joint Subcommittee to study regulation of occupational licensing and to make recommendations necessary for changes to statutes or rules that create anticompetitive barriers to licensure, license renewal and occupational practice; and

WHEREAS, it is the recommendation of the Regulatory Reform Joint Subcommittee that the Legislative Council appoint an interim committee to continue the study of occupational licensing and certification reform in Idaho and to make recommendations to the 2019 Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of occupational licensing and certification laws and rules in Idaho, including review of relevant reports submitted to the Governor's office pursuant to Executive Order No. 2017-06, and to examine the necessity of such laws and rules. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-fifth Idaho Legislature.

Adopted by the Senate March 14, 2018

Adopted by the House March 21, 2018

(S.C.R. No. 148)

A CONCURRENT RESOLUTION

ENDORING THE LIMITATION OF PRINTING OF THE IDAHO SESSION LAWS TO A TOTAL OF 150 COPIES GIVEN THE ACCESSIBILITY AND DECREASE IN EXPENDITURES ASSOCIATED WITH ONLINE ACCESS TO THE IDAHO SESSION LAWS.

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

WHEREAS, Section 67-904, Idaho Code, provides for the publication and distribution of the Idaho Session Laws; and

WHEREAS, the Senate and the House of Representatives are working to improve online access to past Idaho Session Laws; and

WHEREAS, the Joint Publishing Committee has considered the accessibility and decrease in expenditures associated with online access to the Idaho Session Laws in its determination to preserve limited availability of physical copies of the Idaho Session Laws.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that beginning with the First Regular Session of the Sixty-fifth Idaho Legislature, given the accessibility and decrease in expenditures associated with online access to the Idaho Session Laws, we endorse limiting printing of the Idaho Session Laws to a total of 150 copies to be distributed based on online requests for physical copies.

Adopted by the Senate March 16, 2018

Adopted by the House March 22, 2018

(S.C.R. No. 149)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2018 legislative session, which impose a fee or charge, be, and the same are approved and shall be in full force and effect upon the adoption of this concurrent resolution or upon the date specified in the administrative rule.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

Adopted by the Senate March 21, 2018

Adopted by the House March 22, 2018

(S.C.R. No. 150)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES
REVIEWED BY THE LEGISLATURE.

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

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of the Administrative Rules Coordinator for review during the 2018 legislative session, be, and the same are approved.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the First Regular Session of the Sixty-fifth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2018 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Sixty-fourth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Adopted by the Senate March 21, 2018

Adopted by the House March 22, 2018

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 30)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE SECOND REGULAR SESSION OF THE SIXTY-FOURTH IDAHO LEGISLATURE FOR THE PURPOSE OF HEARING A MESSAGE FROM THE GOVERNOR.

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

WHEREAS, the Governor has informed the House of Representatives and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the Second Regular Session of the Sixty-fourth Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 8, 2018.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session on Monday, January 8, 2018, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 8, 2018

Adopted by the Senate January 8, 2018

(H.C.R. No. 33)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF FISH AND GAME RELATING TO RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Fish and Game relating to Rules Governing the Taking of Big Game Animals in the State of Idaho are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho, Section 421., Subsection 02., adopted as a pending rule under Docket Number 13-0108-1706, only, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 13, 2018

Adopted by the Senate February 21, 2018

(H.C.R. No. 34)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE BOUNDARY COUNTY LIBRARY DISTRICT AS THE BEST SMALL LIBRARY IN AMERICA IN 2017.

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

WHEREAS, in September 2017 the trade publication Library Journal, the most circulated professional library publication in North America, awarded the Boundary County Library District its annual Best Small Library in America designation; and

WHEREAS, the Boundary County Library District is one of more than 5,000 small and rural libraries across America; and

WHEREAS, the annual award is given to the small library that best demonstrates innovation in developing services and programs, successfully educating patrons in new technology, developing community support, engaging in partnerships with local schools and businesses, and filling a central role as a community center; and

WHEREAS, the Boundary County Library District has created a dynamic model for making its community the heart of the library that all of America's small libraries can emulate; and

WHEREAS, the Boundary County Library District staff have created a culture of opportunity for the residents of Bonners Ferry and Boundary County; and

WHEREAS, the Boundary County Library District has been recognized for its services to residents that empower invention, engineering education and entrepreneurship, especially through their Massachusetts Institute of Technology Fab Lab maker space, which offers library patrons local access to cutting-edge technology; and

WHEREAS, the Boundary County Library District has encouraged youth entrepreneurship and hosts an annual Youth Business Fair that brings measurable economic development to Bonners Ferry; and

WHEREAS, the Boundary County Library District has been an important partner to a variety of community agencies, educational institutions, local nonprofits and tribal organizations in addressing its rural community needs, including early childhood learning, financial literacy programs, continuing education and job skills retraining; and

WHEREAS, the Boundary County Library District is a part of Idaho's dynamic public library system comprised of 146 buildings that were visited 8.6 million times in 2016. The Idaho public library system experienced a 30% growth in program attendance and facilitated at least a 26% increase in internet use by their communities since 2012; and

WHEREAS, Idaho's public libraries are part of the Idaho Library Association, organized to promote state-of-the-art learning and networking opportunities for professional librarians, board trustees, staff and volunteers; and

WHEREAS, the Idaho State Librarian has recognized the Boundary County Library District as a model "for the amazing things that can happen when a library director, staff and board truly listen to the needs and aspirations of their community and not only meet those needs but exceed them."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature hereby recognizes the Boundary County Library District as one of Idaho's gems, and congratulates it for being named the Best Small Library in America in 2017.

Adopted by the House February 6, 2018

Adopted by the Senate February 21, 2018

(H.C.R. No. 36)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND DESIGNATING MAY 17 AS DIFFUSE INTRINSIC PONTINE GLIOMA AWARENESS DAY IN IDAHO.

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

WHEREAS, according to the Centers for Disease Control, brain tumors now rival leukemia as the leading cause of cancer-related death in children; and

WHEREAS, diffuse intrinsic pontine glioma (DIPG) is the second most common malignant brain tumor in children; and

WHEREAS, DIPG affects 200 to 400 children in the United States each year, many between the ages of five and nine; and

WHEREAS, DIPG is a brain tumor found at the base of the brain; they arise from the brain's glial tissue, which consists of cells that support and protect the brain's neurons; and

WHEREAS, these tumors are found in an area of the brainstem called the pons, which controls many of the body's most vital functions, such as breathing, blood pressure and heart rate; and

WHEREAS, children with DIPG often exhibit signs of facial weakness, abnormal eye movement, loss of muscle control, difficulty walking, imbalanced limb movement, trouble chewing or swallowing, hearing issues, insomnia, loss of bladder or bowel control, trouble breathing, nausea and headaches; and

WHEREAS, while these children lose control of most of their bodily functions, they still retain the ability to comprehend their situation; and

WHEREAS, DIPG symptoms appear suddenly and are often misdiagnosed, but these tumors are highly aggressive and grow rapidly; and

WHEREAS, the causes of DIPG are unknown; and

WHEREAS, there is no known cure for DIPG; and

WHEREAS, most children diagnosed with DIPG survive for only nine months after diagnosis; and

WHEREAS, DIPG has a zero percent survival rate; ultimately, children with DIPG fail to breathe or their hearts stop beating; and

WHEREAS, DIPG is a devastating childhood cancer that has tragic consequences for the young lives it seizes; and

WHEREAS, increased awareness will encourage crucial research on discovering a treatment for children with DIPG.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that May 17 of each year be designated as Diffuse Intrinsic Pontine Glioma Awareness Day in Idaho.

BE IT FURTHER RESOLVED that the Legislature recognizes those whose lives have been touched by DIPG and encourages all Idahoans to become more informed about DIPG and pediatric brain cancer, so that more may be done to care for these children and to find a cure.

Adopted by the House February 22, 2018

Adopted by the Senate March 12, 2018

(H.C.R. No. 38)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE WEEK OF FEBRUARY 26 THROUGH MARCH 4, 2018, AS EATING DISORDERS AWARENESS WEEK IN THE STATE OF IDAHO, IN CONJUNCTION WITH THE OBSERVANCE OF NATIONAL EATING DISORDERS AWARENESS WEEK.

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

WHEREAS, the 2018 theme of National Eating Disorders Awareness Week is "Let's Get Real" and will focus on expanding the conversation around eating disorders to include the diverse perspectives of the millions of people affected by eating disorders. Eating disorders are shrouded in stigma, secrecy and stereotypes, and the goal of this year's campaign is to shine a light on these deadly illnesses, dispel misinformation and connect people with the support they need to recover; and

WHEREAS, eating disorders are serious conditions that are potentially life-threatening and have a great impact on both a person's physical and emotional health. Too often, signs and symptoms are overlooked and many individuals, families and communities are unaware of the devastating mental and physical consequences of eating disorders, as well as the pressures, attitudes and behaviors that shape them; and

WHEREAS, in the United States, 20 million women and 10 million men suffer from clinically significant eating disorders at some time in their lives. These disorders affect people from all backgrounds and include anorexia nervosa, bulimia nervosa and binge eating disorders; and

WHEREAS, the National Eating Disorders Association strives to address the many misconceptions regarding eating disorders and to highlight the availability of resources for treatment and support; and

WHEREAS, National Eating Disorders Awareness Week is a collaborative effort consisting primarily of volunteers, including eating disorder professionals, health care providers, students, educators, social workers and individuals committed to raising awareness of the dangers surrounding eating disorders and the need for early intervention and treatment access; and

WHEREAS, eating disorders usually appear in adolescence and are associated with substantial psychological problems, including depression, substance abuse and suicide. They are serious illnesses, not lifestyle choices. In fact, anorexia has the highest mortality rate of any mental illness; and

WHEREAS, many cases of eating disorders go undetected. Less than one-third of youth with eating disorders will receive treatment; and

WHEREAS, eating disorders experts have found that prompt and intensive treatment significantly improves the chances of recovery. It is therefore important for educators, medical providers, parents and community members to be aware of the early warning signs and the symptoms of eating disorders; and

WHEREAS, National Eating Disorders Awareness Week will encourage people to share their stories and experiences with disordered eating and body-image struggles; highlight the importance of screenings for the early detection of and intervention in eating disorders; and destroy myths and present eating disorders as a public health issue that affects all kinds of people, regardless of age, gender, ethnicity, size or background; and

WHEREAS, the recognition of National Eating Disorders Awareness Week performs the vital function of promoting public and media attention to the seriousness of eating disorders and improving education about their biological and environmental causes, as well as helping those who are struggling with these debilitating diseases.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature hereby recognizes the week of February 26 through March 4, 2018, as Eating Disorders Awareness Week in the State of Idaho.

Adopted by the House February 16, 2018

Adopted by the Senate February 26, 2018

(H.C.R. No. 39)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND EXTENDING CONGRATULATIONS AND BEST WISHES FOR SUCCESS TO THE IDAHOANS SELECTED TO REPRESENT THE UNITED STATES AT THE 2018 WINTER OLYMPICS.

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

WHEREAS, the Winter Olympics in PyeongChang, South Korea, will feature premier athletes from around the world; and

WHEREAS, on the snowy slopes and trails or on icy surfaces, approximately 240 extraordinary Americans will represent our nation with pride as members of the U.S. Olympic team; and

WHEREAS, Idaho is internationally known as a winter sports destination with a rich winter sports history, including the nation's first destination ski resort, and it is not surprising that five athletes from the Gem State are members of this impressive team; and

WHEREAS, those Idaho athletes selected for membership on the 2018 U.S. Winter Olympic team are Hilary Knight of Sun Valley, a two-time Olympian and two-time silver medalist in ice hockey; Jessika Jenson of Rigby, a returning Olympian in snowboarding and competing in the slopestyle and big air events; Chase Josey of Hailey, debuting in the halfpipe event of snowboarding; and Nick Cunningham, a former Boise State University track athlete and two-time Olympian, and Sam Michener, a former University of Idaho athlete, in his Olympic debut, competing as members of the USA bobsled team.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and extend congratulations and best wishes for success to the Idahoans selected to represent the United States at the 2018 Winter Olympics.

BE IT FURTHER RESOLVED that the Chief Clerk of the House be directed to send a copy of this resolution to each of the Idahoans on the U.S. Winter Olympic team.

Adopted by the House February 12, 2018

Adopted by the Senate February 27, 2018

(H.C.R. No. 40)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING FOR THE AMENDMENT OF JOINT RULE 16 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF IDAHO.

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

WHEREAS, the House of Representatives and the Senate deem it necessary and desirable to amend Joint Rule 16 of the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Joint Rule 16 of the House of Representatives and the Senate shall be amended to read as follows:

JOINT RULE 16

Hours Chambers Open. -- The Chambers of the Senate and House of Representatives shall be open, during any regular or special session, ~~during the hours of 6:00 a.m. to 10:00 p.m., Monday through Friday; 9:00 a.m. to 5:00 p.m. Saturdays and Sundays; and all other times that the Senate or House shall be in session~~ hours to be determined by the Senate Pro Tempore and the Speaker of the House of Representatives. Chamber hours may be adjusted by the Senate Pro Tempore and Speaker of the House of Representatives as necessary during all other times of the year.

Adopted by the House February 22, 2018

Adopted by the Senate February 28, 2018

(H.C.R. No. 41)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO CONTINUE A STUDY OF THE STATE EMPLOYEE GROUP HEALTH CARE PLAN MODEL AND TO MAKE RECOMMENDATIONS.

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

WHEREAS, the State of Idaho offers a health insurance benefit to nearly 20,000 individuals employed by the state, of whom 18,900 employees opt into the group health insurance plan that supports an additional 28,000 dependents; and

WHEREAS, the state's share of medical and dental insurance costs has increased from approximately \$8,500 per employee in fiscal year 2011 to a projected cost of \$12,800 per employee in fiscal year 2019; and

WHEREAS, in 2017, the Idaho Legislature authorized a legislative study committee to continue the work of the 2016 State Employee Group Insurance and Benefits Legislative Interim Committee in studying the state employee group insurance plan structure and to receive advice from a health care consultant employed by the committee in 2017; and

WHEREAS, the 2017 State Employee Group Insurance and Benefits Legislative Interim Committee met seven times in 2017, reviewing request for proposals (RFP) responses from health care consultants, selecting a consultant to advise the committee, and subsequently meeting with the consultant in order to exchange information and receive expert advice regarding desired benefits, outcomes and costs pertaining to state employee health care benefits; and

WHEREAS, the consultant recommended a multi-year strategy for making changes to the state health care plan model; and

WHEREAS, the committee's Final Report recommended the reauthorization of the committee in 2018 and again employing a consultant in 2018 to continue advising and guiding the committee in moving the state to a model of health care that contains the rising cost of health care but also provides quality health care to state employees and their dependents; and

WHEREAS, the committee recommended that the Department of Administration, with the assistance of the committee's contractor, develop an RFP to be issued by the state for the selection of one or more administrators to administer an array of health benefit plans adopted for employee health care benefits. Proposals may be made under the state's current hybrid fully insured model or a state self-funded model, or both. Invitations should also be issued for an analysis as to whether the state should exempt itself from Chapter 40, Title 41, Idaho Code, as all counties in Idaho were exempted in 2001; and

WHEREAS, the committee also recommended that the 2018 committee review the results and award of the RFP for compliance, fairness and thoroughness, and then make a funding recommendation to the Joint Finance-Appropriations Committee and the Idaho Legislature based upon that review.

WHEREAS, the committee also recommended that the Idaho Legislature authorize the 2018 committee to enter into a contract with its contractor, contingent upon the successful negotiation of a new statement of work and contract price between the contractor and the co-chairs of the committee, with the approval of the committee.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to continue the work of the 2017 State Employee Group Insurance and Benefits Legislative Interim Committee in working with a consultant, in conjunction with the Department of Administration, to issue and review the responses to an RFP. The RFP shall be issued according to the 2017 State Employee Group Insurance and Benefits Legislative Interim Committee's Final Report recommendations.

BE IT FURTHER RESOLVED that the committee is also authorized to retain the services of a consultant, with the prior approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, who is familiar with health insurance and health care plans and who can provide advice and assistance to the committee in its work.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-fifth Idaho Legislature.

Adopted by the House February 22, 2018

Adopted by the Senate March 9, 2018

(H.C.R. No. 43)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE IMPORTANCE OF ORGAN DONATION TO PUBLIC HEALTH AND TO SUPPORT AND ENCOURAGE ORGAN DONATION AWARENESS.

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

WHEREAS, there are 114,896 people who need a lifesaving organ transplant, and of those people, 74,716 people are active waiting list candidates; and

WHEREAS, there are currently more than 850 people on the Idaho organ donation waiting list; and

WHEREAS, there are approximately 2,000 children under the age of 18 on the national organ donation waiting list; and

WHEREAS, every 10 minutes, someone is added to the national transplant wait list; and

WHEREAS, on average, 20 people die each day waiting for an organ transplant; and

WHEREAS, one organ donor can save up to eight lives; and

WHEREAS, a person can sign up to be an organ donor when receiving or renewing a driver's license; and

WHEREAS, most donated organs must come from an individual who is within 15 years of age to the recipient; and

WHEREAS, adolescents are able to donate to a wide range of adults and children due to their age; and

WHEREAS, the number of adolescent donors, ages 11 to 17, has significantly decreased from 706 donors in 1995 to 410 donors in 2013.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature recognizes that organ donation is a selfless and generous gift that can save lives.

BE IT FURTHER RESOLVED that the Legislature recognizes that the ability to transplant organs is one of the greatest success stories in modern medicine.

BE IT FURTHER RESOLVED that the Legislature supports increased awareness and education for adolescent and adult organ transplants.

BE IT FURTHER RESOLVED that the Legislature encourages people of all ages to consider becoming an organ donor.

Adopted by the House March 1, 2018

Adopted by the Senate March 12, 2018

(H.C.R. No. 44)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE RECOGNIZING THE CONTRIBUTIONS OF CATHOLICS IN IDAHO HISTORY AND CONGRATULATING THE DIOCESE OF BOISE AND ALL IDAHOANS OF CATHOLIC FAITH ON THE ONE HUNDRED TWENTY-FIFTH ANNIVERSARY OF THE CREATION OF THE DIOCESE OF BOISE.

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

WHEREAS, the first Catholics to arrive in Idaho were French-Canadian fur trappers in the mid-eighteenth and early nineteenth century; and

WHEREAS, in 1815, a band of Iroquois, led by Ignace La Mouse, migrated from Canada to Idaho, bringing with them rudiments of the Catholic religion, and spoke of the need of priests in black robes to show the way to heaven to the local natives. This prompted members of the Flathead and Nez Perce Tribes to make four long journeys over the next twenty-five years to St. Louis, Missouri, to request a priest; and

WHEREAS, in February 1840, Father Pierre Jean De Smet, of Belgian origin, was appointed superior of the Rocky Mountain Missions and celebrated the first Mass in Idaho on July 23, 1840, at Henrys Lake; and

WHEREAS, in 1843, the first Catholic church in Idaho was built by Father Nicolas Point, a French-born Jesuit priest and missionary, on the St. Joe River near St. Maries. The church was named Sacred Heart, but popularly known as the Cataldo Mission, named after Father Joseph M. Cataldo. Due to flooding, the mission was moved to its present location on the Coeur d'Alene

River in 1846. The current building, the oldest building in Idaho, was built between 1850 and 1853 by Father Antonio Ravalli, an Italian-born Jesuit priest. Recently, a long-forgotten early painting of the Cataldo Mission was discovered among the many paintings and frescos of the Brumidi Corridors in the Senate wing of the United States Capitol; and

WHEREAS, on March 3, 1868, one hundred fifty years ago this year, His Holiness Pope Pius IX declared Idaho Territory a vicariate apostolate. A Belgian-born priest in the San Francisco diocese, Reverend Louis Aloysius Lootens was named the first Vicar Apostolic of Idaho; and

WHEREAS, on the twenty-fifth anniversary of that declaration, on August 26, 1893, one hundred twenty-five years ago, His Holiness Pope Leo XIII established Boise as a diocese, which includes the entire State of Idaho, and appointed the first Bishop, Reverend Alphonse Glorieux, who made Boise his See and established St. John the Evangelist Parish as his Cathedral; and

WHEREAS, a large amount of the Diocese of Boise's charity work is through partnerships with Catholic Charities of Idaho, and the Diocese has historically supported the establishment and operation of several hospitals in Idaho, including Saint Alphonsus Regional Medical Center in Boise, Mercy Medical Center in Nampa, St. Joseph Regional Medical Center in Lewiston, and St. Mary's Hospital in Cottonwood; and

WHEREAS, the Diocese of Boise also supports the operation of several schools in Idaho, including Bishop Kelly High School, Sacred Heart, St. Joseph's, St. Mary's and St. Mark's in Boise, Holy Family in Coeur d'Alene, Summit Academy in Cottonwood, Sts. Peter and Paul in Grangeville, Holy Rosary in Idaho Falls, All Saints in Lewiston, St. Ignatius in Meridian, St. Mary's in Moscow, St. Paul's in Nampa, Holy Spirit in Pocatello, St. Nicholas in Rupert, and St. Edward's in Twin Falls; and

WHEREAS, the Diocese of Boise has been led since its creation by Bishop Alphonse Joseph Glorieux, Bishop Daniel Mary Gorman, Bishop Edward Kelly, Bishop James Byrne, Bishop Sylvester William Treinen, Bishop Tod David Brown, and the recently deceased and fondly remembered Bishop Michael Patrick Driscoll, each having left a unique imprint on Idaho. The Diocese of Boise is presently led by Bishop Peter Forsyth Christensen; and

WHEREAS, the Catholic Church has been a source of spiritual guidance, comfort, and fellowship for many Idahoans, including many immigrant communities, including people of Irish, Basque, German and Hispanic origin, among many others; and

WHEREAS, Catholics in Idaho now number more than 150,000, making it one of the largest churches in Idaho, and the church with the longest continuous presence in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize the contributions of Catholics in Idaho history.

BE IT FURTHER RESOLVED that we hereby recognize and congratulate the Diocese of Boise and all Idahoans of Catholic faith on the one hundred twenty-fifth anniversary of the creation of the Diocese of Boise.

Adopted by the House March 12, 2018

Adopted by the Senate March 20, 2018

(H.C.R. No. 45)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE DEPARTMENT OF INSURANCE CONSULT WITH INSURANCE INDUSTRY LEADERS TO DETERMINE HOW TO MAKE MEDICALLY NECESSARY HEARING DEVICES AND RELATED SERVICES AND SUPPLIES AVAILABLE TO IDAHO CHILDREN NOT CURRENTLY COVERED BY MEDICAID.

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

WHEREAS, the ability to hear can be critical to a child's brain development and can strongly affect educational progress; and

WHEREAS, more than 1,000 Idaho children are fully deaf, partially deaf or hard of hearing; and

WHEREAS, many children who are deaf or hard of hearing could experience substantial improvement in their hearing with hearing aids, bone-anchored hearing aids or cochlear implants; and

WHEREAS, a child's inability to obtain these devices is not only detrimental to the child's success but also costly to Idaho schools, which must supply special programming to support the learning needs of children who are deaf or hard of hearing; and

WHEREAS, while Medicaid covers these devices, families who do not qualify for Medicaid are frequently unable to pay for the devices and related services and supplies when insurance declines to cover them; and

WHEREAS, Idaho's administrative rules currently permit insurance companies to deny coverage for hearing devices and related services and supplies in many instances when the devices have been deemed medically necessary by a health care provider; and

WHEREAS, a change in the administrative rules and in the practice of many insurance companies could make necessary hearing devices and related services and supplies more available to the Idaho children who need them and who are otherwise covered under private insurance plans.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature requests that the Department of Insurance consult with leaders in the insurance industry to determine how to make medically necessary hearing devices and related services and supplies available to Idaho children who are not currently covered by Medicaid.

BE IT FURTHER RESOLVED that the Legislature requests that the Department of Insurance collect data and ascertain the costs for including this benefit in private insurance plans and, further, that the Department determine any impact on the Idaho general fund for the addition of this benefit.

BE IT FURTHER RESOLVED that the Legislature requests that the Department of Insurance and leaders in the insurance industry report their findings and recommendations, if any, to the First Regular Session of the Sixty-fifth Idaho Legislature.

Adopted by the House March 1, 2018

Adopted by the Senate March 9, 2018

(H.C.R. No. 46)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE BOARD OF DENTISTRY RELATING TO RULES OF THE IDAHO STATE BOARD OF DENTISTRY .

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Board of Dentistry relating to Rules of the Idaho State Board of Dentistry are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 19.01.01, Rules of the Idaho State Board of Dentistry, adopted as a pending rule under Docket Number 19-0101-1701, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 22, 2018

Adopted by the Senate March 6, 2018

(H.C.R. No. 47)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO RULES GOVERNING THE TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO (TAFI) PROGRAM.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare relating to Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.08, Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program, adopted as a pending rule under Docket Number 16-0308-1701, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 22, 2018

Adopted by the Senate March 6, 2018

(H.C.R. No. 48)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING THE MANY ACCOMPLISHMENTS AND CONTRIBUTIONS OF MARILYN SHULER.

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

WHEREAS, Marilyn Tate Shuler, a long-time human and civil rights activist and leader in Idaho, passed away on February 3, 2017; and

WHEREAS, it is appropriate to honor the many accomplishments and contributions that Marilyn Shuler made to the people of Idaho; and

WHEREAS, Marilyn was born in 1939 in Sacramento, California; and

WHEREAS, Marilyn attributed her commitment to human rights in part to seeing her father, an IBM engineer, tutor African-American students in math to help them pass hiring tests, stating "persons who are frequently the victims of discrimination need a helping hand"; and

WHEREAS, Marilyn also cultivated empathy for those who face discrimination after she contracted polio as a young girl and experienced the social isolation of being different from other students; and

WHEREAS, Marilyn's family moved to Utah, where Marilyn met her future husband John and earned a Bachelor of Science degree from the University of Utah; and

WHEREAS, Marilyn and John Shuler moved to Boise after their marriage, where Marilyn went to work for St. Luke's Hospital and volunteered as a lead kindergarten teacher for the YMCA Kindergarten Project for low-income children; and

WHEREAS, Marilyn was an early advocate for establishing public kindergartens in Idaho schools, and often said that the campaign's success was one of her proudest achievements; and

WHEREAS, Marilyn and John opened their home to "hard to place" teenage foster children and exchange students; and

WHEREAS, after John passed away, Marilyn established the John D. Shuler Memorial Fund within the Idaho Department of Health and Welfare, which supports the interests of children in foster care with opportunities they might not otherwise have, such as music lessons, summer camps and letter jackets; and

WHEREAS, Marilyn's commitment to children was demonstrated throughout her life, as she served as an advisory council member for the Casey Family Programs, a director of the YMCA, a child advocate through the Fourth District Court's Court Appointed Special Advocate program and a member of the Boise Public Schools Foundation; and

WHEREAS, Idaho Voices for Children named Marilyn as the recipient of the 2017 Children's Champion award; and

WHEREAS, Marilyn was well known for her 20-year career as director of the Idaho Commission on Human Rights, whose purpose is to fight discrimination in Idaho based on race, color, religion, national origin, sex, and disability; and

WHEREAS, Marilyn was a founding member of the five-state Northwest Coalition Against Malicious Harassment, which was formed in response to the rise of the Aryan Nations in Idaho, in order to monitor the activities of groups that harass individuals on the basis of race, religion, gender, sexual orientation, national origin or ancestry; and

WHEREAS, Marilyn was a cofounder of the Idaho Anne Frank Human Rights Memorial, the only Anne Frank memorial in the nation, which displays the Universal Declaration of Human Rights; and

WHEREAS, Marilyn served as director and president of the Wassmuth Center for Human Rights, a Boise-based human rights education center; and

WHEREAS, Marilyn also served on the Ada County Human Rights Task Force; and

WHEREAS, in addition to her work for children and human rights, Marilyn was also active in many other community organizations, such as the Osher Institute for Lifelong Learning at BSU, the City Club of Boise, the Idaho Board of Medicine as a lay member on prelitigation panels, the Boise Police Department's Greenbelt Patrol, the Junior League of Boise, the Boise Redevelopment Agency, the Boise Committee on Foreign Relations, the Idaho Public Television Foundation and the Idaho Statesman's Editorial Board; and

WHEREAS, Marilyn served as a gubernatorial appointee to the Public Employee Retirement System of Idaho; and

WHEREAS, in addition to her Bachelor of Science, Marilyn earned a Master of Public Administration degree from Boise State University, and she was honored by the university as a Distinguished Alumna in 2006; and

WHEREAS, Marilyn was awarded an honorary Doctor of Humane Letters degree from the University of Idaho and another honorary Doctor of Humane Letters from Boise State University; and

WHEREAS, the citizens of Idaho have shown their appreciation for Marilyn's volunteer work in the form of the many awards given to Marilyn: the Torch of Liberty award from the Anti-Defamation League's Pacific Northwest Region, the Martin Luther King, Jr. Humanitarian award from the Canyon Area Human Rights Task Force, the Light of Philanthropy award from St. Luke's Hospital, the Distinguished Community Service award from the Boise Area Chamber of Commerce, and the Heritage Hall of Fame designation from the Treasure Valley branch of the NAACP; and

WHEREAS, former YMCA Director Jim Everett described Marilyn as "a saint and, I would add, a very busy saint"; and

WHEREAS, Boise State University has established in its School of Public Service the Marilyn Shuler Human Rights Initiative, which will offer an academic certificate program in human rights education and advocacy. The initiative will work to provide opportunities and resources for students, faculty, staff and community members to learn about human rights issues and advocacy outside of the normal classroom through events, including teach-ins, panel discussions, speakers and event sponsorship; and

WHEREAS, on January 15, 2018, Governor C.L. "Butch" Otter awarded the Idaho Medal of Achievement posthumously to Marilyn Shuler, deliberately making the announcement on Martin Luther King, Jr.-Idaho Human Rights Day, and stating "Marilyn was every bit a stalwart champion for human rights and a guiding light in our state for decency and compassion."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature recognizes and honors the many accomplishments and contributions made by Marilyn Tate Shuler to the people of Idaho.

Adopted by the House February 21, 2018

Adopted by the Senate March 5, 2018

(H.C.R. No. 49)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE SPECIFIC CHANGES NEEDED IN ORDER TO IMPLEMENT THE RECOMMENDATIONS OF THE PUBLIC SCHOOL FUNDING FORMULA INTERIM COMMITTEE.

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

WHEREAS, in 2016, the Idaho Legislature authorized the Public School Funding Formula Interim Committee to study the public school funding formula, which was enacted in 1994; and

WHEREAS, the Public School Funding Formula Interim Committee held five meetings around the State of Idaho between July 2016 and December 2016, and it reported preliminary recommendations to the Legislature wherein it anticipated that its work would be a multiyear project due to the complexity of the issue of public school funding; and

WHEREAS, in 2017, the Idaho Legislature adopted HCR 12 to reauthorize the Public School Funding Formula Interim Committee in order to allow it to complete its study of the public school funding formula; and

WHEREAS, in an effort to complete its study, the committee held five meetings during the interim in which it received informative presentations from state and local stakeholders and staff, learned about Idaho's accountability framework and the national picture of public school funding formula transitions, spending and student outcomes, and consulted with national experts specializing in the study of education finance who provided an analysis of Idaho public schools funding and a national perspective of funding formula options; and

WHEREAS, the committee has completed its study of Idaho's public school funding formula and, based on the information it received, advises that the state's funding formula should be changed to ensure local control and transparency, and that it be readily comprehensible, equitable and focused on improving student outcomes; and

WHEREAS, in order to carry out these changes, the committee makes the following recommendations:

- (1) Implement year five of the career ladder compensation system;
- (2) Transition the Idaho public school funding formula from counting students based on average daily attendance to counting students based on enrollment;
- (3) Revise the timing, frequency and portion amounts of payment distributions to public school districts and charter schools;
- (4) Transition the Idaho public school funding formula from a resource allocation funding formula to a student-centered funding formula that includes a base funding amount per student with weights added thereto for special populations;
- (5) Provide public schools with more spending flexibility and fewer statutorily required programs and distributions;
- (6) Incorporate an accountability and fiscal transparency framework that focuses on student outcomes rather than on prescribed inputs; and
- (7) Ensure that public school districts and charter schools are held financially harmless in totality of state funds during the transition period; and

WHEREAS, each of the committee's recommendations require careful consideration as to how to implement the changes to the state's public school funding formula including, but not limited to, how and when to count students based on enrollment, fractional enrollment and students who are over one enrollment count; how to address absenteeism; when, how often and in what amount payments should be distributed to public school districts and charter

schools; a base funding amount per student; weights to be added to the base funding amount, the value of such weights and whether such weights should be compounded; which statutorily prescribed program distributions should be eliminated or consolidated; and the details of the accountability framework; and

WHEREAS, it is necessary to reauthorize the committee so that it can complete a study of these and other related considerations and make further recommendations for the specific changes needed to best serve Idaho public school students within the public schools funding formula framework recommended by the committee.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the specific changes needed in order to implement the recommendations of the Public School Funding Formula Interim Committee as set forth in this concurrent resolution. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the Superintendent of Public Instruction and another member of the Idaho State Board of Education shall serve as nonlegislative voting members of the interim committee.

BE IT FURTHER RESOLVED that the Legislative Services Office, the Office of the State Board of Education including the Public Charter School Commission, the State Department of Education, the Office of the Governor and the Division of Financial Management shall provide staff support to the interim committee.

BE IT FURTHER RESOLVED that, subject to approval from the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the cochairs of the interim committee may retain the services of consultants or analysts who are familiar with education funding policy to provide necessary economic, financial, or other research and services that assist the interim committee and the Legislature in making informed decisions. Such consultants or analysts may be reimbursed for per diem, mileage or other expenses and may be compensated for their work.

BE IT FURTHER RESOLVED that nonlegislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation, except as otherwise specifically provided in this concurrent resolution.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-fifth Idaho Legislature.

Adopted by the House March 2, 2018

Adopted by the Senate March 9, 2018

(H.C.R. No. 50)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THAT PORNOGRAPHY IS A PUBLIC HEALTH HAZARD LEADING TO A BROAD SPECTRUM OF INDIVIDUAL AND PUBLIC HEALTH IMPACTS AND ENCOURAGING ALL STATE AND LOCAL GOVERNMENT AGENCIES TO ENSURE THAT PORNOGRAPHIC MATERIALS ARE NOT ACCESSIBLE FROM THEIR INTERNET CONNECTIONS.

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

WHEREAS, pornography is creating a public health crisis; and
WHEREAS, pornography perpetuates a sexually toxic environment; and
WHEREAS, efforts to prevent pornography exposure and addiction, to educate individuals and families concerning its harms, and to develop recovery programs must be addressed systemically in ways that hold broader influences accountable; and

WHEREAS, pornography is contributing to the hypersexualization of teens, and even prepubescent children, in our society; and

WHEREAS, due to advances in technology and the universal availability of the Internet, young children are exposed to what used to be referred to as hard-core but is now considered mainstream pornography at an alarming rate; and

WHEREAS, the average age of exposure to pornography is now 11 to 12 years of age; and

WHEREAS, this early exposure is leading to low self-esteem and body image disorders, an increase in problematic sexual activity at younger ages, and an increased desire among adolescents to engage in risky sexual behavior; and

WHEREAS, exposure to pornography often serves as children's and youths' sex education and shapes their sexual templates; and

WHEREAS, pornography treats men, women and children as objects and commodities for the viewer's use; and

WHEREAS, pornography normalizes violence and abuse of men, women and children; and

WHEREAS, pornography treats men, women and children as objects and often depicts rape and abuse as if they are harmless; and

WHEREAS, pornography equates violence toward men, women and children with sex and equates pain with pleasure, which increases the demand for sex trafficking, prostitution, child sexual abuse images, and child pornography; and

WHEREAS, using pornography can negatively impact brain development and functioning, contribute to emotional and medical illnesses and lead to difficulty in forming or maintaining intimate relationships, as well as create harmful sexual behaviors and addiction; and

WHEREAS, recent research indicates that pornography is potentially biologically addictive, which means the user requires more novelty, often in the form of more shocking material, in order to be satisfied; and

WHEREAS, this biological addiction leads to increasing themes of risky sexual behaviors, extreme degradation, violence, and child sexual abuse images and child pornography; and

WHEREAS, pornography use is linked to a reduced desire in young men and young women to marry, dissatisfaction in marriage, and infidelity; and

WHEREAS, this link demonstrates that pornography has a detrimental effect on the family unit; and

WHEREAS, overcoming pornography's harms is beyond the capability of the afflicted individual to address alone.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature recognizes that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts.

BE IT FURTHER RESOLVED that the Legislature recognizes the need for education, prevention, research and policy change at the community and societal level in order to address the pornography epidemic that is harming the people of our state and nation.

BE IT FURTHER RESOLVED that the Legislature encourages all state agencies, local governments and Idaho political subdivisions to implement policies, procedures and technology to ensure that pornographic materials are not accessible through their Internet access, either by a direct Internet connection or through a wireless Internet connection.

Adopted by the House March 8, 2018

Adopted by the Senate March 20, 2018

(H.C.R. No. 51)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE FORMATION OF A STUDY GROUP TO MAKE RECOMMENDATIONS REGARDING THE LOCATIONS OF STATE GOVERNMENT AGENCIES.

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

WHEREAS, providing sufficient office space and necessary related facilities for state governmental bodies is to the economic benefit of the citizens of Idaho by providing a more efficient and economical operation of state government; and

WHEREAS, the State of Idaho owns high-value real estate located in close proximity to downtown cores or other highly developable areas in Ada and Canyon counties; and

WHEREAS, buildings located on these properties are often of an antiquated design and in need of significant infrastructure investment for continued use; and

WHEREAS, the State of Idaho has properties that are underutilized, with large areas of vacant land or significant portions allocated to surface parking; and

WHEREAS, it is the policy of the Legislature to deploy assets for their highest and best use; and

WHEREAS, by transferring high-value properties for private development and returning them to a taxable status, the taxpayers in affected cities and counties will benefit directly, and all state taxpayers will benefit indirectly; and

WHEREAS, the state currently has excess land available at the Idaho State Chinden Office Complex with a significantly lower value; and

WHEREAS, it is the policy of the Legislature to capture efficiencies in government, and, by grouping agencies in a single location, costs can be shared and reduced while citizens are better served.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that a study group shall be formed composed of the executive director of the Idaho State Building Authority, one member to be appointed by the President Pro Tempore of the Senate, one member to be appointed by the Speaker of the House of Representatives, one citizen engaged in the real estate development business to be appointed by the Governor, and the director of the Department of Administration. The study group shall present recommendations to the Legislature to further the policy goals set forth in this concurrent resolution.

Adopted by the House March 5, 2018

Adopted by the Senate March 13, 2018

(H.C.R. No. 53)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, RECOGNIZING, HONORING AND COMMENDING MICHAEL PATRICK NUGENT FOR HIS YEARS OF SERVICE TO THE IDAHO LEGISLATURE, FOR HIS POSITIVE CONTRIBUTIONS TO THE IDAHO LEGISLATURE, ITS EMPLOYEES AND THE PEOPLE OF THE STATE OF IDAHO, AND WISHING HIM WELL IN HIS RETIREMENT.

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

WHEREAS, Michael Patrick Nugent began his career as a bill drafter at what is now known as the Idaho Legislative Services Office (LSO) on August 1, 1977, and was promoted to Manager of the Research and Legislation Division on June 10, 1990. Mike will be retiring from his nearly 41-year career at the Legislative Services Office on May 31, 2018; and

WHEREAS, Mike is a graduate of The College of Idaho, where he was a single digit handicapper on The College of Idaho golf team, and attended law school at the University of Puget Sound. Mike is also a graduate of the Legislative Staff Management Institute (LSMI), having been a member of LSMI's first class in 1990; and

WHEREAS, in his capacity as Manager, Mike has overseen core functions for the Idaho Legislature. His staff conducts research, drafts legislation, staffs legislative study committees, reviews administrative agency rules, and provides information on the legislative process and legislative history to the public and other state agencies; and

WHEREAS, over the course of his career, Mike has staffed interim committees including Energy, Environment and Technology, Indian Affairs, Sales Tax, Property Tax, Electric Utilities Restructuring, Natural Resources, City and County Ordinary and Necessary Expenses, Tax Exemptions, Wind Energy, Federal Lands, Solar Energy and Urban Renewal; and

WHEREAS, Mike has served in numerous roles with the Council of State Governments West, serving on the CSG West Council on River Governance and assisting with planning, organizing and orchestrating numerous annual meetings; and

WHEREAS, Mike has also served in positions with the National Conference of State Legislatures (NCSL) where he has been generous in sharing his expertise and experience with other legislative staff. He served as a member of NCSL's Research and Committee Staff Section (RACSS) Executive Committee from 1999 to 2005 and was RACSS chair for 2003-2004. Mike planned and served as faculty for many RACSS programs and fall seminars and supported the participation of his staff in professional development opportunities. Mike has contributed many hours in support of NCSL, hosting meetings, serving as fac-

ulty, and participating in NCSL committees, staff sections and task forces. In 2007, Mike was awarded an NCSL Legislative Staff Achievement Award; and

WHEREAS, Mike is a dedicated public servant who has spent his entire professional career in service to the Idaho Legislature. He embodies the qualities of the classic lifetime staffer, who honors, respects and supports the legislative institution; and

WHEREAS, over the course of time, Mike has developed lasting friendships with countless former and current members of the Idaho Legislature, state and federal agency employees, lobbyists and LSO staff who have trusted him with confidences and relied on his unparalleled knowledge of Idaho legislative history.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize, honor and commend Michael Patrick Nugent for his years of service to the Idaho Legislature, for his positive contributions to the Legislature, its employees and the people of the State of Idaho, and wish him well in his retirement.

Adopted by the House March 2, 2018

Adopted by the Senate March 8, 2018

(H.C.R. No. 54)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND CONGRATULATING JERRY KRAMER ON HIS INDUCTION INTO THE PRO FOOTBALL HALL OF FAME.

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

WHEREAS, Gerald Louis "Jerry" Kramer was born on January 23, 1936, in Montana, then moved with his family to Utah before settling in Idaho; and

WHEREAS, Jerry Kramer graduated from Sandpoint High School in 1954, attended the University of Idaho on a football scholarship playing guard and kicker, and was selected as Idaho's first All-American as an honorable mention in 1956 and as first-team in 1957. After graduating in 1957, he was selected to play in the College All-Star game, defeating the defending NFL champion Detroit Lions; and

WHEREAS, Jerry also lettered on the University of Idaho Vandals' track and field team, where he set the school record in the shot put, and he was a member of the Sigma Nu fraternity; and

WHEREAS, his remarkable athletic achievements were recognized by the University of Idaho when they inducted him as a charter member into the Vandal Athletics Hall of Fame and they retired his uniform number "64"; and

WHEREAS, he was drafted by the Green Bay Packers as the 39th overall pick in the 1958 NFL Draft and went on to play for them for 11 years as a standout offensive guard during the Vince Lombardi era, playing 129 regular season games and enduring 22 surgeries, helping the Packers win five NFL championships, plus wins in Super Bowls I and II, while also being selected to the All-Pro five times and to the NFL's 50th Anniversary Team in 1969; and

WHEREAS, he collaborated with Dick Schaap on the best-selling book "Instant Replay," wrote "Farewell to Football" and "Distant Replay," edited "Lombardi: Winning is the Only Thing," released the CD "Inside the Locker Room" that includes Vince Lombardi's Super Bowl II locker room address, and also worked as a color commentator on CBS National Football League telecasts; and

WHEREAS, he was a finalist for the NFL Hall of Fame eleven times, the first time in 1997; in 2009, he was rated No. 1 in the NFL Network's Top 10 players not in the Hall of Fame, and was the only member of the NFL's 50th anniversary team not in the Hall of Fame until he was finally selected; and

WHEREAS, Idaho football legend Jerry Kramer was voted into the Pro Football Hall of Fame on February 3, 2018, ending a decades-long controversy, and is the second Idaho native selected for the Hall of Fame, along with free safety Larry Wilson (Rigby) of the St. Louis Cardinals who was inducted in 1978; and

WHEREAS, Jerry Kramer will be inducted into the Hall of Fame on August 4, 2018, as part of an eight-man class, along with linebacker Robert Brazile, defensive back Brian Dawkins, linebacker Ray Lewis, wide receiver Randy Moss, wide receiver Terrell Owens, linebacker Brian Urlacher, and football executive Bobby Beathard.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature congratulates Jerry Kramer on his selection to the Pro Football Hall of Fame, and commends him for being a patient and sportsmanlike athlete beloved among his fans, for his lifelong achievements in sports, entertainment and writing, and for his leadership in the football industry and in the state.

BE IT FURTHER RESOLVED that the Legislature hereby designates August 23, 2018, as "Gerald Louis 'Jerry' Kramer Day" in Idaho, in honor of his official induction into the Pro Football Hall of Fame.

Adopted by the House March 5, 2018

Adopted by the Senate March 13, 2018

(H.C.R. No. 55)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF JUVENILE CORRECTIONS RELATING TO RULES AND STANDARDS FOR SECURE JUVENILE DETENTION CENTERS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Juvenile Corrections relating to Rules and Standards for Secure Juvenile Detention Centers are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 05.01.02, Rules and Standards for Secure Juvenile Detention Centers, Section 010., Subsection 37., adopted as a pending rule under Docket Number 05-0102-1701, only, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 13, 2018

Adopted by the Senate March 21, 2018

(H.C.R. No. 56)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE PUBLIC DEFENSE COMMISSION RELATING TO RULES GOVERNING STANDARDS FOR DEFENDING ATTORNEYS THAT UTILIZE IDAHO'S PRINCIPLES OF AN INDIGENT DEFENSE DELIVERY SYSTEM.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Public Defense Commission relating to Rules Governing Standards for Defending Attorneys that Utilize Idaho's Principles of an Indigent Defense Delivery System are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 61.01.07, Rules Governing Standards for Defending Attorneys that Utilize Idaho's Principles of an Indigent Defense Delivery System, Section 020., Subsection 01.d., adopted as a pending rule under Docket Number 61-0107-1701, only, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 13, 2018

Adopted by the Senate March 21, 2018

(H.C.R. No. 57)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE COMMISSION OF PARDONS AND PAROLE RELATING TO RULES OF THE COMMISSION OF PARDONS AND PAROLE.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Commission of Pardons and Parole relating to Rules of the Commission of Pardons and Parole are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 50.01.01, Rules of the Commission of Pardons and Parole, Section 551., Subsections 03.c. and 03.d., adopted as a pending rule under Docket Number 50-0101-1701, only, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 13, 2018

Adopted by the Senate March 21, 2018

(H.C.R. No. 58)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING SHEILA OLSEN FOR HER COMMITMENT AND CONTRIBUTIONS TO THE PEOPLE AND THE STATE OF IDAHO.

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

WHEREAS, Sheila Olsen was born in 1938 and moved to Idaho Falls in 1962, fully embracing Idaho as her home; and

WHEREAS, Sheila Olsen diligently served the people and State of Idaho in various ways throughout her life; and

WHEREAS, as a devout member of the Church of Jesus Christ of Latter-day Saints, Sheila Olsen served the LDS Church in a number of capacities including by cultivating friendships and understanding with other faiths, by working on numerous service and humanitarian projects, and by acting as a liaison between the media and the LDS Church; and

WHEREAS, as a patriotic citizen of Idaho, Sheila Olsen served her state in numerous ways including as a member of the Electoral College in 1988, as a commissioner of the Idaho Human Rights Commission, and as a member of the Idaho Redistricting Commission; and

WHEREAS, Sheila Olsen was active in the Republican Party throughout her life and served as a Republican Precinct committeewoman and vice chair and member of the Idaho Region VII Republican Party; and

WHEREAS, Sheila Olsen served as a consultant or coordinator for Senator Mike Crapo, Governor Butch Otter, Superintendent Tom Luna, Senator Larry Craig, Governor Phil Batt and several others; and

WHEREAS, Sheila Olsen was diagnosed with multiple sclerosis in 1967; however, this debilitating and progressive disease did not impede her whatsoever in service to her community and the State of Idaho; and

WHEREAS, though Sheila Olsen passed away peacefully on February 11, 2018, she left behind a lasting legacy that has touched many people and will continue to do so.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and honor the remarkable life of Sheila Olsen and her unrelenting commitment and contributions to the people and the State of Idaho.

Adopted by the House March 13, 2018

Adopted by the Senate March 20, 2018

(H.C.R. No. 62)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE PERSI
(PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO) RELATING TO PERSI CONTRI-
BUTION RULES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the PERSI (Public Employee Retirement System of Idaho) relating to PERSI Contribution Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 59.01.03, PERSI Contribution Rules, adopted as a pending rule under Docket Number 59-0103-1702, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 20, 2018

Adopted by the Senate March 22, 2018

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2017-05CONTINUING THE IDAHO INVASIVE SPECIES COUNCIL
AND REPLACING EXECUTIVE ORDER 2010-14

WHEREAS, the land, water and other resources of the State of Idaho are being severely impacted or threatened by the invasion of an increasing number of harmful, nonnative plant and animal species; and

WHEREAS, these impacts and potential infestations result in damage to Idaho's environment and cause economic hardships to public, private and tribal owners; and

WHEREAS, representatives of public and private organizations with an interest in controlling and preventing the spread of harmful invasive species need a mechanism for facilitating cooperation, collaboration and development of statewide plans to this threat; and

WHEREAS, the Idaho Invasive Species Council serves as a mechanism for facilitating cooperation, collaboration and development of policy recommendations for statewide plans; and

WHEREAS, multiple agencies, authorities and information sources are used to implement a wide variety of invasive species management programs; and

WHEREAS, a need exists to build upon the strength of existing invasive species programs, to improve areas that are weaker and to integrate efforts into an efficient unified state response to the threat of invasive species;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby order the following:

1. The continuation of the Idaho Invasive Species Council (the Council) as a joint effort between local, tribal, state, and federal governments, as well as for-profit and not-for-profit private entities. The purpose of the Council is to foster coordinated approaches that support local initiatives for the prevention and control of invasive species. The Council shall meet at least twice annually.
2. Membership of the Council shall include:
 - a. A representative from the Governor's Office;
 - b. The Director of the Department of Agriculture or his/her designee;
 - c. The Director of the Department of Environmental Quality or his/her designee;
 - d. The Director of the Department of Parks and Recreation or his/her designee;
 - e. The Director of the Department of Fish and Game or his/her designee;
 - f. The Director of the Department of Lands or his/her designee;
 - g. The Director of the Department of Water Resources or his/her designee;
 - h. The Director of the Department of Commerce or his/her designee;
 - i. The Director of the Idaho Transportation Department or his/her designee;
 - j. The Administrator of the Office of Species Conservation or his/her designee;

- k. A member of the Idaho State Senate;
 - l. A member of the Idaho State House of Representatives;
 - m. A representative from the Idaho Outfitters and Guides Association.
3. The director of the Idaho State Department of Agriculture or his/her designee shall chair the Council.
 4. Representatives and members of federal entities, local government organizations, tribal governments, Idaho universities and private and not-for-profit organizations with an interest in the well-being of Idaho pertaining to invasive species shall be invited to participate by the director of the Department of Agriculture.
 5. Additional members may be added by consensus of the Council.
 6. The Council's responsibilities shall be:
 - a. To provide policy level recommendations and planning assistance for combating harmful invasive species infestations throughout the state and preventing the introduction of others that may be potentially harmful;
 - b. To serve as a nonpartisan forum for identifying and understanding invasive species issues;
 - c. To identify opportunities for cooperation and coordination between departments, tribal governments, stakeholders, Idaho universities, private and not-for-profit organizations, other states, and the federal government;
 - d. To recommend steps for implementing actions proposed in the Strategic Action Plan for Invasive Species;
 - e. To take measures that will encourage control and prevention of harmful non-native species;
 - f. To organize and streamline the process for identifying and controlling invasive species among all stakeholders;
 - g. To consider ways to halt the spread of invasive species as well as finding possible ways to bring existing problems under control.
 7. The Council shall be responsible for providing a report of its activities to the Legislature and the Governor annually.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 6th day of April in the year of our Lord 2017, and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2017-06

ON REVIEWING THE NECESSITY FOR AND THE APPLICABILITY AND PROCESSING OF
LICENSURE REQUIREMENTS FOR INDIVIDUALS ENGAGED OR DESIRING TO BE ENGAGED
OR EMPLOYED IN TECHNICAL, PROFESSIONAL OR OTHER OCCUPATIONS WITHIN THE
STATE OF IDAHO, EMPHASIZING THE EFFECT OF LICENSURE REQUIREMENTS ON IDAHO
EMPLOYMENT OPPORTUNITIES

WHEREAS, in order to protect the public, the Legislature has enacted laws in Idaho establishing licensure requirements for persons desiring to be employed or engaged in various professional, technical or other occupations within the state; and

WHEREAS, administration of such laws are vested in agencies or bureaus within state executive departments or in various self-governing agencies; and

WHEREAS, the extent of state occupational licensure is partially reflected in Title 54, Idaho Code, with 57 chapters devoted to licensure of persons to engage in certain professional, technical, and occupational endeavors, and the responsibility for licensure of persons to engage in those occupations is delegated by law to independent self-governing agencies, and substantial occupational licensing authority also has been granted to the 19 state executive departments; and

WHEREAS, while it is important to ensure public protection, it also is imperative that we ensure that the laws and rules do not create unnecessary barriers to commerce and employment, and although new and occasionally existing regulatory rules are reviewed by the Legislature, there has not been a comprehensive internal review of licensing requirements within the executive branch of Idaho's government since the reorganization of the state executive departments in the mid-1970s, more than 42 years ago; and

WHEREAS, there has been no comprehensive critical analysis of the effect of existing licensing requirements on employment opportunities within the state, nor has there been any re-examination of such requirements to determine the necessity for such licensure, or whether the public interest could not be equally or better served by less restrictive or less intrusive mechanisms than those now in place; and

WHEREAS, analysis of the laws and rules may well result in removing unnecessary barriers to desirable employment for qualified individuals and increasing the availability of a skilled and valuable workforce necessary to grow Idaho's economy; and

WHEREAS, Article IV, Section 5, of the Constitution of the State of Idaho vests the supreme executive power of the state in the governor and imposes upon the governor the responsibility to see that the laws of the state are faithfully executed; and

WHEREAS, Article IV, Section 5, of the Constitution of the State of Idaho provides that in the event of certain events, including the absence of the Governor from the state, the powers, duties and emoluments of the office of governor shall devolve upon the lieutenant governor until the governor shall not be absent from the state; and

WHEREAS, at the time of executing this Executive Order, the Governor is absent from the state and during such absence, the powers and duties of the office of governor have devolved upon the Lieutenant Governor;

NOW, THEREFORE, I, BRAD LITTLE, Acting Governor, by virtue of the authority vested in me by the Constitution and laws of the State of Idaho, hereby declare the following:

1. Each executive department of the State of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency with statutory or regulatory authority to issue a license to an individual, authorizing such person to engage in a profession, vocation or occupation, shall review and report:
 - a. the timeframe for final action either approving or denying a complete application for issuance of a professional, occupational, or vocational license; and
 - b. a review of requirements that are prerequisites for the issuance of each type of license and suggestions on requirements that can be eliminated; and
 - c. a review of renewal requirements and suggestions on requirements that can be eliminated; and
 - d. the statutory or regulatory prohibitions that require the department to deny either the acceptance of an application for a license or the denial of the issuance or renewal of a license, together with a report of the number of applicants denied licensure, or whose applications were not accepted for consideration by the department or agency, or who were refused renewal of a license for the one-year period immediately following or preceding the date of this executive order, and the factual or statutory basis for each such denial; and
 - e. the statutory or regulatory authority for the suspension, revocation or other disciplinary action relating to professional, technical, or occupational licenses issued by such agency, together with a report of the number of such disciplinary actions and the factual or statutory basis for such action; and
 - f. the cost of administering the licensing process on a per applicant basis, and the fee charged to each applicant for issuance or renewal of a license; and
 - g. in recognition of the work by board members to address these issues, a list of the laws and rule changes enacted in the past five years to eliminate barriers.
2. Each executive department of the State of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency with statutory or regulatory authority to issue a license to an individual, authorizing such person to engage in a professional, technical or occupation, shall:
 - a. provide an assessment or statement as to whether the licensure, or requirements relating thereto, are in the public interest, together with the reasons for such assessment or opinion; and
 - b. provide recommendations for improvement, modification or elimination of licensure requirements within the department's or the self-governing agency's jurisdiction; and
 - c. within thirty (30) days following the effective date of this Executive Order, adopt a process or procedure affording interested persons reasonable opportunity to submit to the department, bureau or self-governing agency, or to the Governor's office or the Office of the Lieutenant Governor if the person chooses, data, views, opinions or arguments concerning any matter which is the subject of this Executive Order. Such information may be submitted either in writing or electronically. The process or procedure may provide a closing

date for the submission of such information, which for the purposes of this Executive Order shall not be earlier than May 1, 2018; and

- d. upon adopting such process or procedure, provide notice to the Governor's office and to all interested persons of its intent to comply with the requirements of this Executive Order and the manner in which such interested persons may provide data, views, opinions or arguments either to the department, bureau, self-governing agency or to the Governor's office or the Office of the Lieutenant Governor.
3. The term "interested persons," as used in paragraphs 2c and 2d of this Executive Order shall include but not be limited to all persons currently licensed by the affected department or agency on the effective date of this Executive Order.
 4. Each executive department of the State of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency, shall submit the report including the information required in this Executive Order to the Governor's office no later than July 1, 2018. Reports may be submitted electronically.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 19th day of May, in the year of our Lord 2017 and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

/s/ BRAD LITTLE

BY THE ACTING GOVERNOR:

ACTING GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2017-07

CREATING THE GOVERNOR'S HEALTH CARE ADVISORY PANEL

WHEREAS, the Governor's Select Committee on Health Care identified and addressed health care issues facing Idaho; and

WHEREAS, the Governor's Health Policy Implementation Committee provided leadership and accountability in furthering the main priorities identified by the Select Committee; and

WHEREAS, the Governor's Idaho Health Care Council identified and implemented health care initiatives related to Medicaid, an insurance exchange, insurance market reforms and delivery system improvements; and

WHEREAS, it is in the State's best interest to carry forward and add to the previously completed work; and

WHEREAS, the State has a continuing interest in implementing workable, realistic solutions to health care issues with the objective of increasing health care accessibility and affordability for all Idahoans; and

WHEREAS, constantly evolving federal and State health care policy initiatives need to be thoroughly analyzed before they are applied to Idaho's health care system; and

WHEREAS, the Executive and Legislative branches of government can benefit from the assessment and recommendations of health care professionals in order to enact sustainable health care policy for the State of Idaho;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution of and laws of the State of Idaho do hereby:

1. Create the Governor's Health Care Advisory Panel (HCAP).
2. The purpose of the panel shall be to advise the Governor and Legislators on the applicability of new federal or state health care initiatives.
3. The Panel shall:
 - a. Facilitate statewide discussion on health care policy direction.
 - b. Provide research and written guidance on emerging health care policy issues.
 - c. Participate in development of health care policy strategies.
4. Members of HCAP shall be appointed by and serve at the pleasure of the Governor for two-year extendable terms.
5. The chair of HCAP shall be appointed by and serve at the pleasure of the Governor.
6. HCAP shall convene as necessary and at the direction of the chair.
7. HCAP members will serve without compensation.
8. HCAP may use assistance to facilitate its work from the Department of Health and Welfare's Office of Healthcare Policy Initiatives.
9. HCAP members shall represent all major participants in the health care delivery and financing systems. Representation must include both the public and private sectors with expertise in health information technology, clinical quality and patient safety.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 2nd day of June, in the year of our Lord 2017 and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2017-08**DEFERRED COMPENSATION PROGRAM FOR EMPLOYEES OF THE STATE OF IDAHO;
REPEALING AND REPLACING EXECUTIVE ORDER NO. 2013-05**

WHEREAS, the Idaho Legislature, by and through the implementation of section 59-513, Idaho Code, has provided for the establishment of a Deferred Compensation Program; and

WHEREAS, a Deferred Compensation Program has been presented to and approved by the Board of Examiners of the State of Idaho by the Deferred Compensation Committee; and

WHEREAS, administrative entities on the state level are necessary for proper implementation and maintenance of the plan;

NOW, THEREFORE, I, BRAD LITTLE, Acting Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the State of Idaho, do hereby order the following:

1. The Deferred Compensation Committee - comprised of a representative appointed by the Governor, a representative from the Office of the Attorney General, a representative from the Office of the State Controller, and a representative from the Office of the Secretary of State - is hereby named as the policymaking board for a Deferred Compensation Program subject to the authority vested by law in the Board of Examiners of the State of Idaho.
2. The Deferred Compensation Committee shall make the following decisions concerning the implementation and maintenance of a Deferred Compensation Program subject to the approval of the Board of Examiners:
 - a. Selection of a third-party administrator to administer the state's 457 plan, including a Roth option;
 - b. Selection of product companies that sell or offer securities or other assets to the State of Idaho in accordance with a Deferred Compensation Program;
 - c. Approval and monitoring of the marketing program to introduce and explain the Deferred Compensation Program to state employees;
 - d. Review all summary reports produced by the Office of the State Controller and the third-party administrator to ensure proper accounting for all funds;
 - e. Review on a yearly basis the viability of all product companies associated with the Deferred Compensation Program to determine if re-bidding is necessary.
3. The Deferred Compensation Committee, through the third-party administrator, shall:
 - a. Ensure that remittances of deferred moneys to the product companies are made from the periodic payroll;
 - b. Review and sign all enrollments, change and claim requests;
 - c. Keep or arrange to keep any necessary files concerning the Deferred Compensation Program;
 - d. Communicate with the state employees concerning routine matters.

This Executive Order shall cease to be in effect four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 20th day of June, in the year of our Lord 2017 and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

/s/ BRAD LITTLE

BY THE ACTING GOVERNOR:

ACTING GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2017-09

EXECUTIVE ORDER DECLARING A STATE OF ENERGY EMERGENCY AND TEMPORARILY EXEMPTING CERTAIN CARRIERS FROM HOURS OF SERVICE REGULATIONS UNDER IDAHO LAW TO HELP MEET FUEL DEMANDS

WHEREAS, the people of Idaho are faced with increased traffic and people for an extended period of time due to the Solar Eclipse Event on August 21, 2017; and

WHEREAS, with an estimated influx of up to 300,000 to 1,000,000 additional people entering the State of Idaho and traveling on Idaho roadways, the potential exists for significant delays or disruptions of bulk fuels being delivered in a timely manner to support the needs of the public and industry; and

WHEREAS, limited petroleum availability in Idaho causes a challenge for the fuel industry to provide consistent and timely availability of fuel stocks to bulk fuel distributors, creating an urgent need for fuel supplies to be delivered into and throughout Idaho by commercial delivery trucks; and

WHEREAS, these shortages and delays may threaten the health, property, and welfare of Idahoans, warranting the declaration of a short-term energy emergency; and

WHEREAS, under IDAPA 11.13.01.009, the Governor, via the Idaho State Police, may suspend the provisions of any agency rule, requirement, or standard if strict compliance would prevent, hinder, or delay necessary action in coping with the emergency upon a declaration of emergency by the Governor; and

WHEREAS, relieving "hours of service" requirements for commercial motor carrier vehicles in Idaho, provided for in Idaho Code § 67-2901B and IDAPA 113.01.004.03, will assist Idahoans by facilitating and expediting the distribution of transportation fuels.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the state of Idaho do hereby declare that a state of energy emergency exists in Idaho, as defined in IDAPA 11.13.01.009, and order as follows:

1. A temporary suspension of "hours of service" regulations, as provided in Idaho Code § 67-2901B (incorporating by reference IDAPA 11.13.01.004.03, which, in turn, incorporates by reference 49 C.F.R. part 395), as they apply to drivers of commercial motor vehicles while delivering bulk fuel within and to the following Idaho counties: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, Washington.
2. This order pertains only to bulk carriers actively involved in the delivery of fuel meant for private and commercial use such as gas, diesel, propane or other fuel.
3. Commercial motor vehicle carriers, while under this Order, shall not require or allow fatigued drivers to operate a motor vehicle.
Nothing in this Order shall be construed to waive or suspend any other state or federal regulation pertaining to commercial motor carriers and commercial driver license requirements or to relieve carriers and commercial drivers from operating their commercial motor vehicles in a safe and prudent manner.
4. Notwithstanding any other provision of this Order, if a driver informs a carrier that the driver needs immediate rest, the "hours of service" requirements, enacted in Idaho Code § 67-2901B, must be followed.

This Order is effective August 17th, 2017 and expires on, August 24th, 2017.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 17th day of August, in the year of our Lord 2017 and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2017-10

RE-ESTABLISHING THE IDAHO MEDAL OF ACHIEVEMENT

WHEREAS, Idaho has citizens demonstrating exceptional, meritorious and inspirational service to the people of our state; and

WHEREAS, currently Idaho has no award comparable to the Presidential Medal of Freedom; and

WHEREAS, it is important to recognize those individuals with the highest civilian honor that can be bestowed by the state of Idaho upon one of her citizens; and

WHEREAS, the Idaho Medal of Achievement will be made from 99.9% fine silver donated by the Hecla Mining Company located in Coeur d'Alene, Idaho;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho do hereby order the creation of the Idaho Medal of Achievement and the following:

1. The establishment of the Idaho Medal of Achievement Commission, which shall be appointed by and serve at the pleasure of the Governor. The Commission shall not consist of more than five (5) people. The Governor shall select the chair of the commission from the members;
2. Vacancies shall be filled in the same manner in which the original appointment was made;
3. Commission members and the sitting Governor are not eligible to receive the award while serving on the commission or in office;
4. A nominee for the Idaho Medal of Achievement must be a current or deceased Idaho resident, who, through their career, single act or acts, or life's work, involving public and/or private endeavors provided inspirational or distinguished service, bringing great distinction to Idaho;
5. More than one medal may be awarded at a time and it may be awarded posthumously;
6. Selection Process:
 - a. Anyone can nominate a person living or deceased who meets the criteria in paragraph 4;
 - b. Nominations must be submitted to the Commission via http://gov.idaho.gov/achievement_nomination.html or letter to the Office of Governor no later than March 31st;
 - c. The Commission shall, by majority vote of its members, recommend no more than five (5) nominees from the individuals submitted to the Commission to the Governor for consideration by October 31st;
 - d. The Governor will have sole discretion to award the Medal of Achievement from those nominees recommended by the Commission.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 12th day of September, in the year of our Lord 2017 and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2017-11ESTABLISHING THE GOVERNOR'S LEADERSHIP IN NUCLEAR ENERGY (LINE)
COMMISSION 3.0

WHEREAS, Executive Order 2012-01 established the Governor's Leadership in Nuclear Energy Commission (LINE) to make recommendations to the Governor on policies and actions of the State of Idaho to support and enhance the long-term viability and mission of the Idaho National Laboratory (INL); and

WHEREAS, LINE brought to light a number of other findings, made six recommendations and urged more than a dozen immediate actions, which require ongoing management and oversight; and

WHEREAS, Executive Order 2013-02 established the Governor's Leadership in Nuclear Energy Commission (LINE 2.0) to implement the recommendations and actions submitted by LINE to the Governor in support of the long-term viability and mission of the INL; and

WHEREAS, LINE 2.0 was tasked with tracking and assessing federal and state activities related to nuclear energy research, operations and budgets, as well as identifying opportunities and investments that can be made in the Center for Advanced Energy Studies, Idaho universities, research, transportation and communications infrastructure in furtherance of the INL's mission; and

WHEREAS, LINE 2.0 provided recommendations to the Governor on policies and actions in support of the INL, an integral part of Idaho's and the nation's long-term energy and national security strategy; and

WHEREAS, in recognition of the outstanding efforts of LINE and LINE 2.0, and to avoid losing valuable institutional knowledge, the recommendation for a standing nuclear council would best be accomplished through establishment of the Governor's Leadership in Nuclear Energy Commission 3.0 (LINE 3.0);

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby create the Leadership in Nuclear Energy Commission 3.0.

1. LINE 3.0 will continue to make recommendations to the Governor on policies and actions of the State of Idaho to support and enhance the long-term viability and mission of the Idaho National Laboratory and other nuclear industries in Idaho.
2. LINE 3.0 also will:
 - a. Continue to monitor and provide counsel on implementation of relevant recommendations from the previous LINE commissions.
 - b. Continue statewide outreach efforts to create greater understanding and awareness of the INL and other nuclear industries in Idaho.
 - c. Develop other findings, actions or recommendations as appropriate.
3. The duties of LINE 3.0 are solely advisory in nature.
4. Appointment and membership on LINE 3.0 does not constitute an individual's support or opposition for a specific finding, policy or recommendation made by LINE 3.0.
5. Members of LINE 3.0 shall be appointed by and serve at the pleasure of the Governor. Members will include, but are not limited to:
 - a. The director of the Idaho Department of Commerce or their designee;

- b. The director of the Idaho Department of Environmental Quality or their designee;
 - c. The director of the INL or their designee;
 - d. The director of the Center for Advanced Energy Studies or their designee;
 - e. The Idaho Attorney General or their designee;
 - f. The Lieutenant Governor or their designee;
 - g. A representative from each of Idaho's public universities;
 - h. A representative from the Idaho House of Representatives;
 - i. A representative from the Idaho Senate;
 - j. A mayor or county commissioner;
 - k. A representative from the Idaho Indian tribes;
 - l. A representative from the current R&D contractor at the INL;
 - m. A representative from a private-sector nuclear industries company;
 - n. A representative from Idaho agriculture or water users; and
 - o. A member of the public.
6. The Governor will appoint the chair or co-chairs of LINE 3.0.
 7. The Office of the Governor and the Idaho Department of Commerce will staff LINE 3.0.
 8. LINE 3.0 may request consultation, information and technical expertise from directors or their designees of State of Idaho agencies regarding environmental requirements, State natural resources, transportation, emergency response, law enforcement and public safety issues.
 9. LINE 3.0 may request comments, information and technical expertise from the American Indian tribes of Idaho, federal agencies, representatives from the nuclear industries sector, and members of the public.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 25th day of September, in the year of our Lord 2017 and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2017-12

CONTINUING THE WORKFORCE DEVELOPMENT COUNCIL FOR PLANNING
AND OVERSIGHT OF THE STATE'S WORKFORCE DEVELOPMENT SYSTEM
REPEALING AND REPLACING EXECUTIVE ORDER 2016-04

WHEREAS, the economic future of Idaho and the prosperity of its residents depends upon the ability of businesses in Idaho to compete in the world economy; and

WHEREAS, a well-educated and highly skilled workforce provides Idaho employers with a competitive edge critical for their success; and

WHEREAS, Idaho is committed to preparing its current and future workforce with the skills necessary for the 21st century; and

WHEREAS, empowering business, labor and community leaders to take a more active and strategic role in crafting the state's economic and workforce development policy will enhance the quality and responsiveness of these programs; and

WHEREAS, a comprehensive workforce development strategy for Idaho will improve planning and oversight functions; increase public awareness of and access to workforce development education and training opportunities; improve the effectiveness, quality and coordination of services designed to maintain a highly skilled workforce; and help provide for the most efficient use of federal, state and local workforce development resources; and

WHEREAS, the Governor's Workforce Development Task Force recommended that the State of Idaho "Increase the role and responsibilities of an industry-driven Workforce Development Council to champion the development and implementation of a statewide, strategic workforce development plan that meets industries' needs today and tomorrow;"

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order that:

1. The Workforce Development Council (the "Council") is established within the Executive Office of the Governor in accordance with section 101 (a) of the Workforce Innovation and Opportunity Act (WIOA) of 2014 to coordinate efforts and direct public outreach and engagement in support of improving the quality of and access to workforce education and training programs throughout Idaho.
2. The Council shall consist of 36 members, consistent with federal nomination and composition requirements set forth in section 101 (b) of WIOA. The Council's membership shall be as follows:
 - a. 17 positions appointed by the Governor representing industry and nominated by statewide and regional business organizations;
 - b. Seven positions appointed by the Governor representing the workforce, including two labor union representatives, two registered apprenticeship program representatives, one representative of a community-based organization for veterans, one representative of a community-based organization for the disabled, and one representative of a community-based organization for out-of-school youth;

- c. Nine positions appointed by the Governor representing government, including representatives from the Department of Labor, State Board of Education, Division of Career-Technical Education, Division of Vocational Rehabilitation, Department of Health and Welfare, Department of Commerce, an elected city official, an elected county official, and a community college representative;
 - d. One member from each chamber of the Idaho Legislature, including a member of the Senate appointed by the Senate President Pro Tem, and a member of the House of Representatives appointed by the House Speaker;
 - e. The Governor or his designee.
3. The Governor shall name the chair and vice chair from among industry members of the Council.
4. The Council's members shall serve at the pleasure of the Governor, and their appointments shall be for three-year terms.
5. The Council shall be staffed by an executive director appointed by the Governor and such additional personnel as shall be appointed by the executive director.
6. The Council will be responsible for advising the Governor, Legislature and appropriate executive agencies on matters related to developing and implementing a comprehensive workforce development strategy for Idaho that:
 - a. Increases public awareness of and access to career education and training opportunities;
 - b. Improves the effectiveness, quality and coordination of programs and services designed to maintain a highly skilled workforce;
 - c. Helps provide for the most efficient use of federal, state and local workforce development resources;
7. The Council will assist the Governor in fulfilling the requirements of the State Workforce Investment Board as set forth in WIOA.
8. The Council shall be responsible for developing and overseeing procedures, criteria and performance measures for the Workforce Development Training Fund.
9. The Council may empanel special committees, appointed by the chair. Special committee members may include non-Council members who have special knowledge and qualifications to be of assistance to the Council.
10. The Council shall meet quarterly. An Executive Committee made up of the chair, vice chair, and three additional Council members appointed by the chair and representing industry should meet monthly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 26th day of October, in the year of our Lord 2017 and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2017-13

CONTINUING THE WORKFORCE DEVELOPMENT COUNCIL FOR PLANNING
AND OVERSIGHT OF THE STATE'S WORKFORCE DEVELOPMENT SYSTEM
AMENDING EXECUTIVE ORDER 2017-12

WHEREAS, the economic future of Idaho and the prosperity of its residents depends upon the ability of businesses in Idaho to compete in the world economy; and

WHEREAS, a well-educated and highly skilled workforce provides Idaho employers with a competitive edge critical for their success; and

WHEREAS, Idaho is committed to preparing its current and future workforce with the skills necessary for the 21st century; and

WHEREAS, empowering business, labor and community leaders to take a more active and strategic role in crafting the state's economic and workforce development policy will enhance the quality and responsiveness of these programs; and

WHEREAS, a comprehensive workforce development strategy for Idaho will improve planning and oversight functions; increase public awareness of and access to workforce development education and training opportunities; improve the effectiveness, quality and coordination of services designed to maintain a highly skilled workforce; and help provide for the most efficient use of federal, state and local workforce development resources; and

WHEREAS, the Governor's Workforce Development Task Force recommended that the State of Idaho "Increase the role and responsibilities of an industry-driven Workforce Development Council to champion the development and implementation of a statewide, strategic workforce development plan that meets industries' needs today and tomorrow;"

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order that:

1. The Workforce Development Council (the "Council") is established within the Executive Office of the Governor in accordance with section 101 (a) of the Workforce Innovation and Opportunity Act (WIOA) of 2014 to coordinate efforts and direct public outreach and engagement in support of improving the quality of and access to workforce education and training programs throughout Idaho.
2. The Council shall consist of 36 members, consistent with federal nomination and composition requirements set forth in section 101 (b) of WIOA. The Council's membership shall be as follows:

- a. 17 positions appointed by the Governor representing industry and nominated by statewide and regional business organizations;
 - b. Seven positions appointed by the Governor representing the workforce, including two labor union representatives, two registered apprenticeship program representatives, one representative of a community-based organization for veterans, one representative of a community-based organization for the disabled, and one representative of a community-based organization for out-of-school youth;
 - c. Nine positions appointed by the Governor representing government, including representatives from the Department of Labor, State Board of Education, Division of Career-Technical Education, Division of Vocational Rehabilitation, Department of Health and Welfare, Department of Commerce, an elected city official, an elected county official, and a community college representative;
 - d. One member from each chamber of the Idaho Legislature, including a member of the Senate appointed by the Senate President Pro Tem, and a member of the House of Representatives appointed by the House Speaker;
 - e. The Governor or his designee.
3. The Governor shall name the chair and vice chair from among industry members of the Council.
 4. The Council's members shall serve at the pleasure of the Governor, and their appointments shall be for three-year terms.
 5. The Council shall be staffed by an executive director appointed by the Governor and such additional personnel as shall be appointed by the executive director.
 6. The Council will be responsible for advising the Governor, Legislature and appropriate executive agencies on matters related to developing and implementing a comprehensive workforce development strategy for Idaho that:
 - a. Increases public awareness of and access to career education and training opportunities;
 - b. Improves the effectiveness, quality and coordination of programs and services designed to maintain a highly skilled workforce;
 - c. Helps provide for the most efficient use of federal, state and local workforce development resources;
 7. The Council will assist the Governor in fulfilling the requirements of the State Workforce Investment Board as set forth in WIOA.
 8. The Council shall be responsible for developing and overseeing procedures, criteria and performance measures for the Workforce Development Training Fund.
 9. The Council may empanel special committees, appointed by the chair. Special committee members may include non-Council members who have special knowledge and qualifications to be of assistance to the Council.

10. The Council shall meet quarterly. An Executive Committee made up of the chair, vice chair, and three additional Council members appointed by the chair and representing industry should meet monthly. The Executive Committee is authorized to act on the Council's behalf as necessary and shall report its actions at the Council's next regular meeting.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 13th day of December, in the year of our Lord 2017 and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2018-01

CREATING THE AUTONOMOUS AND CONNECTED VEHICLE
TESTING AND DEPLOYMENT COMMITTEE

WHEREAS, the State of Idaho has been a leader in technology and transportation throughout its history; and

WHEREAS, the State of Idaho has contributed to significant advancements in technology and transportation; and

WHEREAS, the Idaho Transportation Department is considered one of the most innovative transportation departments in the country; and

WHEREAS, the State of Idaho has universities, corporations, businesses, startups, and other private-sector partners engaged in the development and implementation of new technology; and

WHEREAS, the State of Idaho is uniquely positioned to assist in the development and deployment of autonomous and connected vehicle technology; and

WHEREAS, the State of Idaho believes that studying the controlled testing and operation of autonomous and connected vehicles in a variety of real-world driving conditions on roads within the state will advance the safe and successful deployment of autonomous and connected vehicles; and

WHEREAS, the removal of barriers to the testing and deployment of autonomous and connected vehicle technology in Idaho may produce significant social, economic, environmental and innovative benefits, including enhancing mobility, creating jobs and improving transportation safety and efficiency;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER Governor of the State of Idaho, by the authority vested in me under the Constitution and law of the State of Idaho do hereby order creation of the "Autonomous and Connected Vehicle Testing and Deployment Committee" and do hereby further order as follows:

1. By not later than March 1, 2018, the Transportation Department shall create the committee hereafter known as the Autonomous and Connected Vehicle Testing and Deployment Committee.
2. The Committee membership shall be comprised of the following standing members:
 - a. The Director of the Transportation Department or designee;
 - b. The Director of the Department of Commerce or designee;
 - c. The Director of the Department of Insurance or designee;
 - d. The Director of the Idaho State Police or designee;
 - e. Legal counsel from the Office of the Governor;
 - f. Two (2) members of the Idaho Legislature, one (1) appointed by the Speaker of the House and one (1) appointed by the President Pro Tempore of the Senate;
 - g. The Director of Information Security.
3. The Committee shall include, but not be limited to, the following members appointed by the Governor:
 - a. At least four (4) representatives from the autonomous and connected vehicle technology sector, two (2) of whom must be representatives of automobile manufacturers.
 - b. A representative from the Idaho Association of Highway Districts.
 - c. A representative from the Local Highway Technical Assistance Council.
 - d. A representative from the Idaho Sheriffs' Association.
 - e. A representative from the Idaho Chiefs of Police Association.
 - f. A representative from the American Automobile Association
 - g. A representative from the Idaho Automobile Dealers Association.
 - h. A representative from the trucking industry.
 - i. Others not yet identified.
4. The Committee shall be chaired by the Director of the Transportation Department.
 - a. Meetings shall be held no less than twice each calendar year, and additional meetings may be held at the discretion of the Chair.
 - b. Meetings shall comply with chapter 2, title 74, Idaho Code. Meetings will be held and announcements associated with such meetings shall be posted at the designated location of the meeting.
 - c. The Committee may form advisory subcommittees as necessary, and such subcommittees shall report back to the Committee.
 - d. The Committee may seek technical or professional assistance as deemed necessary and appropriate.
5. Each Committee member shall have full and equal voting rights. A simple majority of members voting shall be sufficient to decide any matter pending before the Committee.
6. The Committee shall have the following mission:

- a. Identify all agencies of the State of Idaho with pertinent jurisdiction to support the testing and deployment of autonomous and connected vehicles.
 - b. Coordinate with the identified agencies and discuss how best to administer the testing of autonomous and connected vehicles on roads in relation to issues such as vehicle registration, licensing, insurance, traffic regulations, and vehicle owner or operator responsibilities and liabilities under current law.
 - c. Review existing state statutes and administrative rules and identify existing laws or rules that impede the testing and deployment of autonomous and connected vehicles on roads.
 - d. Identify strategic partnerships to leverage the social, economic, and environmental benefits of autonomous and connected vehicles.
7. The Transportation Department shall provide staff support for the Committee.
 8. The Transportation Department shall produce reports containing the Committee's findings and recommendations and shall submit its first report to the Governor no later than November 1, 2018.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 2nd day of January, in the year of our Lord 2018 and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2018-02RESTORING CHOICE IN HEALTH INSURANCE FOR IDAHOANS

WHEREAS, the Patient Protection and Affordable Care Act, P.L. 111-148, 124 Stat.119 (2010), as amended by the Health Care and Education Reconciliation Act of 2010, P.L. 111-152,124 Stat. 1029 (2010) ("PPACA" or "Obamacare") was signed into law on March 23, 2010; and

WHEREAS, I have always opposed the overreaching, intrusive nature of Obamacare and its infringement on Idahoans' freedoms and the traditional prerogatives of the state on health care and insurance issues; and

WHEREAS, Obamacare provisions and subsequent rules make health care coverage more costly and more difficult to afford; and

WHEREAS, many of the provisions of Obamacare that supposedly were designed to stabilize the market either failed, were not funded or were inadequately managed by the Obama administration; and

WHEREAS, Idahoans continue to be faced with significant health insurance rate increases, which are harmful to our citizens and are unsustainable; and

WHEREAS, these rate increases are driven by failures of the PPACA, which have disrupted risk pools and bifurcated the insurance market; and

WHEREAS, a sustainable risk pool attracts and retains an appropriate mix between younger and older Idahoans and between the healthy and those with illnesses; and

WHEREAS, the provisions and rules of the PPACA, combined with rising costs, are driving the young and the healthy away from the insurance market, which leads to higher rates and has forced the Idaho insurance pool and market into a "death spiral"; and

WHEREAS, the Trump Administration showed its support for state-based solutions by issuing an Executive Order encouraging state flexibility and control in developing innovative and open health care programs; and

WHEREAS, Congress and the Trump Administration recently repealed the individual mandate penalty, allowing citizens to purchase plans without being penalized if those plans do not meet all the PPACA criteria; and

WHEREAS, the Trump Administration has taken executive action to increase health care options and reduce costs by requiring federal agencies to expand access to health care through small business health plans; and

WHEREAS, the State of Idaho has a continuing interest in implementing workable, realistic solutions to enhance access to affordable health care for all Idahoans; and

WHEREAS, the State of Idaho will continue to work with federal authorities to address problems with America's health care system while retaining its power authority under the Tenth Amendment to pursue complementary Idaho remedies to pressing health care challenges;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and laws of the State of Idaho do hereby:

1. Direct the Idaho Department of Insurance to seek creative options that encourage and permit health insurance carriers to offer health plans that expand access for Idahoans by providing benefits and plan designs to meet consumer needs at lower costs than those now available;
2. Direct the Idaho Department of Insurance to approve options that follow all state-based requirements, even if not all PPACA requirements are met, as long as the carrier offering the option also offers an exchange-certified alternative in Idaho; and

3. Authorize the Director of the Department of Insurance to seek a waiver from the U.S. Department of Health and Human Services in conjunction with this Executive Order if the Director believes it is appropriate or necessary.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 5th day of January, in the year of our Lord 2018 and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

/s/ BRAD LITTLE

LT. GOVERNOR

EXECUTIVE ORDER NO. 2018-03

CONTINUING THE IDAHO CRIMINAL JUSTICE COMMISSION

WHEREAS, it is in the best interest of the citizens of the State of Idaho that government promote the efficiency and effectiveness of the criminal justice system and, where possible, encourage dialogue among the respective branches of government to achieve this effectiveness and efficiency; and

WHEREAS, combating crime and protecting citizens from criminal deprivations is of vital concern to government; and

WHEREAS, communication and cooperation among the various elements of the community of criminal justice professionals is of utmost importance in promoting efficiency and effectiveness; and

WHEREAS, providing policy makers and criminal justice decision-makers with accurate information results in better decisions, improving public safety and resulting in more efficient use of public resources; and

WHEREAS, under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 and the Crime Control Act of 2005, each state is encouraged to develop and implement a competitive mechanism for awarding certain federal grant funds; and

WHEREAS, Idaho's current criminal justice efforts and initiatives require clear strategic planning and continued coordination;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Constitution and the laws of the State of Idaho do hereby establish the Idaho Criminal Justice Commission.

1. The Idaho Criminal Justice Commission ("Commission") shall consist of 27 members. The Commission members representing the judiciary and the U.S. Attorney for the District of Idaho or designee will serve in a nonvoting, advisory capacity. The Commission's membership shall be as follows:

- a. **Ex Officio Members:**
 - i. The Attorney General or designee;
 - ii. The Director of the Idaho Department of Correction;
 - iii. The Director of the Idaho State Police;
 - iv. The Director of the Idaho Department of Juvenile Corrections;
 - v. The Administrator of the Office of Drug Policy;
 - vi. The Executive Director of the Idaho Association of Counties;
 - vii. The Executive Director of the Idaho Commission of Pardons and Parole;
 - viii. The Director of the Idaho Department of Health and Welfare;
 - ix. The Administrative Director of the State Courts;
 - x. The State Appellate Public Defender;
 - xi. The U.S. Attorney for the District of Idaho or designee.
 - b. **Members Appointed By the Governor:**
 - i. A representative from the Governor's Office;
 - ii. One (1) representative from the Idaho Prosecuting Attorneys Association;
 - iii. One (1) representative from the Idaho Commission on Hispanic Affairs;
 - iv. One (1) representative from the Idaho Sheriffs' Association;
 - v. One (1) representative from the Idaho Chiefs of Police Association;
 - vi. A representative from the Idaho Department of Education;
 - vii. Two (2) citizens at large with special consideration given to individuals within disciplines related to the purpose of the Commission; and
 - viii. One (1) representative from the Idaho Public Defense Commission.
 - c. **Members Designated by Other Officials:**
 - i. Two (2) members from the Idaho Senate as designated by the President Pro Tempore;
 - ii. Two (2) members from the Idaho House of Representatives as designated by the Speaker;
 - iii. Three (3) representatives from the judiciary as designated by the Chief Justice;
2. The purpose of the Commission shall be to provide policy-level direction and to promote efficient and effective use of resources, based on a data-driven approach and evidenced-based practices, for matters related to the state's criminal justice system. To that end it shall:

- a. Identify critical challenges facing the criminal justice system and recommend strategies to resolve them by;
 - i. Developing and adopting a three-year strategic plan to be reviewed annually;
 - ii. Analyzing the long-range needs of the criminal justice system;
 - iii. Assessing the cost-effectiveness, return on investment and performance measures of the use of state and local funds in the criminal justice system;
 - iv. Reviewing data and reporting relating to Idaho's implementation of the Justice Reinvestment Act.
 - b. Advise and develop recommendations for the Governor and the Legislature, when appropriate, on public policy and strategies to improve the state's criminal justice system.
 - c. Review and evaluate criminal justice policies and proposed legislation to determine the impact on the state's adult and juvenile justice systems.
 - d. Promote communication among criminal justice professionals and the respective branches of state and local government to improve professionalism, create partnerships, and improve cooperation and coordination at all levels of the criminal justice system.
 - e. Research and evaluate evidenced-based practices and use findings to influence decisions on policy.
3. All Commission members appointed by the Governor serve at the pleasure of the Governor.
 4. The Chair of the Commission shall be appointed by the Governor to serve at the pleasure of the Governor. A Vice Chair shall be selected annually by the members of the Commission. The term of office of the Vice Chair shall be one (1) year. The Chair and the Vice Chair may succeed themselves as approved by the Governor.
 5. The Commission shall receive administrative staff support from the state agencies represented on the Commission.
 6. The Commission will meet no less than four (4) times annually.
 7. The Commission may appoint subcommittees consistent with the needs of the Commission to address pertinent issues that merit more in-depth consideration.
 8. Commission members will serve without compensation or reimbursement for expenses, including related travel and per diem to attend Commission meetings.
 9. The Grant Review Council ("Council") shall be established under the Commission and is charged with disbursing federal grant funding appropriated under provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; of the Violence Against Women Act of 1994, and other such federal grant programs as may come within the purview of the Idaho State Police with the overall mission of enhancing the efficiency and effectiveness of the criminal justice system in Idaho.
 - a. The Council shall consist of thirteen (13) members of the Idaho Criminal Justice Commission for the purpose of assisting the Idaho State Police in its distribution of grant funds. The Council membership shall be as follows:

- i. The Attorney General or his or her designee;
 - ii. The Administrative Director of the State Courts;
 - iii. The Director of the Idaho Department of Correction;
 - iv. The Director of the Idaho State Police;
 - v. The Director of the Idaho Department of Juvenile Corrections;
 - vi. The Administrator of the Office of Drug Policy;
 - vii. One (1) representative from the Office of the Idaho State Appellate Public Defender;
 - viii. One (1) representative from the Idaho Prosecuting Attorneys Association;
 - ix. The Executive Director of the Idaho Association of Counties;
 - x. Two (2) citizens at large;
 - vi. One (1) representative from the Idaho Sheriffs' Association;
 - vii. One (1) representative from the Idaho Chiefs of Police Association;
- b. In addition, the Council shall consist of the following seven (7) members appointed by the Chair of the Commission upon recommendation by the Commission:
- i. One (1) representative from the Idaho Council on Domestic Violence;
 - ii. One (1) representative from a statewide advocacy agency;
 - iii. One (1) prosecuting attorney;
 - iv. One (1) representative from the juvenile justice system;
 - v. One (1) representative from the misdemeanor probation system;
 - vi. One (1) Chief of Police;
 - vii. One (1) Sheriff;
- c. The Chair of the Council shall be appointed by vote of the members of the Council and shall serve a term of four (4) years. The Chair will report to the Commission not less than annually on the activities, actions, and decisions of the Council regarding the distribution of grant funds.
- d. Each member of the Council shall be entitled to one (1) vote in the matters before them.
- e. No member may participate in a vote for a direct award of funds in which the member receives personal pecuniary benefits, as defined by Idaho Code. Unless prohibited by federal grant restriction, when a member has authority over an entity or agency which has applied for a direct award of funds, the member shall disclose the relationship to the Council. Upon disclosure of such relationship, the member may vote upon the award unless the member requests to be excused.

- f. Participation by Council members (or their designees) in the scoring and evaluation of the individual grant applications is required. Members not participating in the scoring and evaluation process will not be entitled to vote on the awarding of the application
- g. Meetings of the Council shall be convened as determined necessary by the Chair of the Council, Chair of the Commission, or the Idaho State Police.
- h. The principal staff functions of the Council shall be located with the Idaho State Police.
- i. Members of the Council will receive travel reimbursement in accordance with Idaho State Police policy and procedures.
- j. The Council will establish bylaws in accordance with guidance provided by the Bureau of Justice Assistance and the Idaho State Police, and consistent with the Commission's long-term strategies.
- k. Members of the Council will receive training provided by the Idaho State Police and in conjunction with the Commission.
- l. Members of the Council will meet at least once a year to assist in strategic planning efforts with representatives from the Idaho State Police. The Council shall develop a strategic funding plan consistent with the statewide strategic planning efforts of the Commission.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 30th day of January, in the year of our Lord 2018 and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

BY THE GOVERNOR:

/s/ Lawrence Denney
SECRETARY OF STATE

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

INDEX

CONTENTS

Subject Index	927
Code Index	975
Numerical Index of Laws by Bill Number	997
Numerical Index of Senate and House Joint Memorials and Concurrent Resolutions	1005
Numerical Index of Executive Orders	1007

INDEX

SUBJECT INDEX

ABBREVIATIONS USED IN THIS INDEX

Approp = Appropriation	Assn = Association
Bd = Board	Com = Commission
Comm = Committee	Dept = Department
DEQ = Department of Environmental Quality	Div = Division
Dist = District	Govt = Government
F&G = Fish and Game	PUC = Public Utilities Commission
H&W = Health and Welfare	Univ = University
PERSI = Public Employee Retirement System of Idaho	
UCC = Uniform Commercial Code	

ABORTION

Abortion Complications Reporting Act, new.....	Ch.225 -	509
Chemical abortion, additional information to patient...	Ch.159 -	315

ACCIDENTS

See also EMERGENCIES

Accident and sickness insurance, authorization to sell.	Ch.166 -	339
Emergency first aid, immunity from damage claims.....	Ch.218 -	491
Organ donation awareness, support and encourage.....	HCR043 -	880
Organ donor, must be at least 15 years old.....	Ch.191 -	417
Safety restraint, failure to wear, evidence, negligence	Ch.295 -	699
Vehicle towing/removal/storage, notice.....	Ch.212 -	480
Worker's comp coverage, higher education students.....	Ch. 39 -	99

ACCOUNTS

Facility account, electrical contractors, licenses.....	Ch.208 -	460
Liquor Account, funds distribution to community college	Ch. 87 -	191
Statement of account/fees, homeowner associations.....	Ch.205 -	457

ACTS

Abortion Complications Reporting Act, add.....	Ch.225 -	509
Barber and Cosmetology Services Act, add.....	Ch.228 -	519
Child Protective Act, miscellaneous revisions.....	Ch.287 -	675
Idaho Architecture Practice Act, add.....	Ch.129 -	270
Idaho Credit Union Act, revise.....	Ch.165 -	328
Idaho Motor Vehicle Service Contract Act, replace.....	Ch.116 -	241
Idaho Pharmacy Act, definitions revised.....	Ch. 37 -	76
Public Integrity in Elections Act, add.....	Ch.260 -	616
Real Estate Appraisers Act, appraisal review definition	Ch.128 -	268
Small Lawsuit Resolution Act, \$35,000 limit.....	Ch.244 -	567
Unfair Sales Act, repeal.....	Ch.179 -	393
Wild and Scenic Rivers Act, 50th anniversary.....	SCR132 -	862

ACUPUNCTURE

Acupuncture Bd, members, compensation, increase..... Ch. 57 - 144

ADMINISTRATION DEPARTMENT

Approp..... Ch.318 - 742
 Approp, bond payment program..... Ch.281 - 666
 Approp, capitol com..... Ch.291 - 691
 Approp, public works div..... Ch.302 - 725
 Public Works Div, construction contracts, bids..... Ch.119 - 254
 State multiagency facilities, long-term maintenance.... Ch.127 - 266
 State multiagency facilities, management..... Ch.180 - 393

ADMINISTRATIVE PROCEDURE ACT

See also RULES

Administrative rules, continue in full force and effect Ch.299 - 715
 Agency fee rules approved..... SCR149 - 872
 Agency temporary rules approved and extended..... SCR150 - 873

ADOPTION

Child, legal/medical expenses, increase tax deduction.. Ch.206 - 459

ADVERTISING

Unfair Sales Act, repeal..... Ch.179 - 393

AGING, COMMISSION ON

Approp..... Ch.277 - 659
 Ombudsman for the elderly, duties revised..... Ch. 56 - 141
 Ombudsman for the elderly, duty to report abuse..... Ch. 56 - 141

AGRICULTURE

Agricultural machinery/equipment, tax exemption..... Ch.297 - 702
 Commercial/farm vehicles, fees, legislative study comm. SCR134 - 864
 Dept, approp..... Ch.310 - 732
 Dept, approp, agricultural inspections program..... Ch. 13 - 18
 Dept, approp, pest control deficiency fund..... Ch. 12 - 17
 Farm equipment, supplier/dealer transactions, revised.. Ch.224 - 504
 Hop crops production machinery/equipment, tax exemption Ch.297 - 702
 Idaho Produce Safety Law, new..... Ch.216 - 486
 Livestock/agriculture haulers, electronic log exemption SJM104 - 848
 Poultry operations, pollutant discharge program..... Ch. 22 - 34
 Seed buyer, license, denial, criteria..... Ch.153 - 311
 Univ of Idaho, approp, agricultural research/extension. Ch.203 - 454
 Wolf control assessments, extend sunset provisions..... Ch.217 - 489

AIR POLLUTION

See POLLUTION

ALCOHOLIC BEVERAGES

See LIQUOR

ALTERNATIVE DISPUTE RESOLUTION

See MEDIATION AND ARBITRATION

AMBULANCES

Emergency Medical Responder, ambulance attendant..... Ch.101 - 212

ANATOMICAL GIFTS

See ORGAN DONATIONS

ANIMALS

See also WILDLIFE

Goat assessments, remove condition.....	Ch. 82 -	185
Poultry operations, pollutant discharge program.....	Ch. 22 -	34
Service dog, definition, include mentally disabled.....	Ch.144 -	298
Unintentionally killed on roadways, dispatch/salvage...	Ch. 75 -	170
Wolf control assessments, extend sunset provisions.....	Ch.217 -	489

ANNEXATION

Firemen's retirement fund, annexing city/fire district.	Ch.178 -	392
---	----------	-----

APPEALS

See also STATE APPELLATE PUBLIC DEFENDER

APPRAISALS AND APPRAISERS

Real Estate Appraisers Act, appraisal review definition	Ch.128 -	268
---	----------	-----

APPROPRIATIONS

Administration Dept.....	Ch.318 -	742
Administration Dept, bond payment program.....	Ch.281 -	666
Administration Dept, capitol com.....	Ch.291 -	691
Administration Dept, public works div.....	Ch.302 -	725
Aging Com.....	Ch.277 -	659
Agriculture Dept.....	Ch.310 -	732
Agriculture Dept, agricultural inspections program....	Ch. 13 -	18
Arts Com.....	Ch.289 -	688
Attorney General.....	Ch.175 -	385
Attorney General, add'l.....	Ch.328 -	759
Blind/Visually Impaired Com.....	Ch.136 -	282
Building Safety Div.....	Ch.352 -	843
Building Safety Div, add'l.....	Ch.115 -	240
Catastrophic Health Care Program.....	Ch.201 -	453
Commerce Dept.....	Ch.312 -	737
Controller, State.....	Ch.330 -	761
Controller, State, add'l.....	Ch.328 -	759
Correction Dept.....	Ch.301 -	720
Correction Dept, add'l.....	Ch.103 -	214
Correction Dept, add'l.....	Ch.306 -	730
DEQ.....	Ch.293 -	693
DEQ, add'l.....	Ch.305 -	729
DEQ, add'l.....	Ch.334 -	764
Education Bd, Idaho public television.....	Ch.131 -	278
Education Bd, Office of.....	Ch.270 -	645
Education Bd, career technical education div.....	Ch.290 -	689
Education Bd, community colleges.....	Ch.292 -	692
Education Bd, vocational rehabilitation div.....	Ch.346 -	793
Education Bd/Univ of Idaho, colleges/universities.....	Ch.247 -	574
Education Bd/Univ of Idaho, health education programs..	Ch.344 -	788
Education Bd/Univ of Idaho, special programs.....	Ch.279 -	662
Education Dept, public schools, administrators div....	Ch.229 -	538
Education Dept, public schools, central services div...	Ch.233 -	545
Education Dept, public schools, children's programs....	Ch.231 -	541
Education Dept, public schools, deaf/blind services....	Ch.234 -	547
Education Dept, public schools, facilities div.....	Ch.232 -	544
Education Dept, public schools, operations div.....	Ch.283 -	669
Education Dept, public schools, teachers div.....	Ch.230 -	540
Endowment Fund Investment Bd.....	Ch.141 -	287

F&G Dept.....	Ch.274 -	651
Finance Dept.....	Ch.148 -	306
Governor, Executive Office of.....	Ch.317 -	741
Governor, Executive Office of, add'l.....	Ch.328 -	759
Governor, Office of, STEM action center.....	Ch.268 -	642
Governor, Office of, drug policy.....	Ch.140 -	286
Governor, Office of, energy and mineral resources.....	Ch.106 -	218
Governor, Office of, financial management div.....	Ch.132 -	279
Governor, Office of, human resources div.....	Ch.271 -	647
Governor, Office of, information technology services...	Ch.335 -	764
Governor, Office of, military div.....	Ch.282 -	667
Governor, Office of, military div, add'l.....	Ch. 90 -	195
Governor, Office of, species conservation office.....	Ch.134 -	280
Governor, Office of, state liquor div.....	Ch.329 -	760
H&W Dept, basic medicaid plan program.....	Ch.332 -	763
H&W Dept, child welfare program, add'l.....	Ch.319 -	745
H&W Dept, developmentally disabled services.....	Ch.342 -	782
H&W Dept, independent councils/indirect support/license	Ch.353 -	844
H&W Dept, medicaid div.....	Ch.339 -	773
H&W Dept, mental health, psychiatric, add'l.....	Ch. 44 -	108
H&W Dept, mental health, psychiatric, substance abuse..	Ch.300 -	716
H&W Dept, physical health services program.....	Ch.340 -	778
H&W Dept, physical health services program, add'l.....	Ch.331 -	762
H&W Dept, public health services div.....	Ch.340 -	778
H&W Dept, state hospital north and south.....	Ch.307 -	730
H&W Dept, welfare div.....	Ch.294 -	697
Hispanic Affairs Com.....	Ch.202 -	454
Hispanic Affairs Com, add'l.....	Ch. 20 -	33
Idaho State Historical Society.....	Ch.308 -	731
Idaho State Lottery.....	Ch.311 -	736
Idaho State Police.....	Ch.275 -	654
Idaho State Police, brand inspection program.....	Ch.114 -	240
Idaho State Police, patrol program.....	Ch.333 -	763
Industrial Com.....	Ch.273 -	649
Industrial Com, add'l.....	Ch. 14 -	18
Industrial Com, crime victims compensation program....	Ch.316 -	741
Insurance Dept.....	Ch.150 -	308
Juvenile Corrections Dept.....	Ch.135 -	281
Labor Dept.....	Ch.326 -	757
Lands Dept.....	Ch.278 -	659
Lava Hot Springs Foundation.....	Ch.107 -	219
Lava Hot Springs Foundation, add'l.....	Ch. 64 -	155
Legislative Services Office.....	Ch.266 -	638
Legislative Services Office.....	Ch.347 -	795
Legislature, interim committees.....	Ch.347 -	795
Libraries Com.....	Ch.149 -	307
Lieutenant Governor.....	Ch.276 -	658
PERSI.....	Ch.343 -	786
Pardons and Parole Com.....	Ch.288 -	687
Parks and Recreation Dept.....	Ch.280 -	664
Pest Control Deficiency Fund.....	Ch. 12 -	17
Pharmacy Bd.....	Ch. 11 -	17
Professional Engineers and Land Surveyors Program Bd..	Ch. 15 -	19
Public Defense Com.....	Ch.248 -	576
Public Defense Com, add'l.....	Ch.327 -	759
Public Health Districts.....	Ch.172 -	383

Public Health Districts, add'l.....	Ch.319 -	745
Public Health Districts, appropriations formula.....	Ch.296 -	700
Public Utilities Com.....	Ch.174 -	384
Secretary of State.....	Ch.313 -	738
Secretary of State, add'l.....	Ch.328 -	759
Self-Governing Agencies, medical boards.....	Ch.314 -	739
Self-Governing Agencies, regulatory boards.....	Ch.272 -	648
Soil and Water Conservation Com.....	Ch.108 -	220
Soil and Water Conservation Com, add'l.....	Ch. 9 -	14
State Appellate Public Defender.....	Ch.104 -	216
State Independent Living Council.....	Ch.173 -	383
Superintendent of Public Instruction.....	Ch.241 -	563
Superintendent of Public Instruction, add'l.....	Ch.328 -	759
Supreme Court.....	Ch.267 -	639
Supreme Court, add'l.....	Ch.325 -	756
Supreme Court, supreme court program.....	Ch.319 -	745
Tax Appeals Bd.....	Ch.133 -	279
Tax Com.....	Ch.336 -	765
Tobacco/drug programs, millennium income fund.....	Ch.304 -	729
Transportation Dept.....	Ch.345 -	790
Transportation Dept, add'l.....	Ch. 8 -	13
Transportation Dept, capital facilities program.....	Ch.102 -	214
Treasurer, State.....	Ch.303 -	727
Treasurer, State, add'l.....	Ch.328 -	759
Univ of Idaho, agricultural research/extension.....	Ch.203 -	454
Veterans Services Div.....	Ch.105 -	217
Water Resources Dept.....	Ch.242 -	564
Water Resources Dept, flood management.....	Ch.315 -	740
Wolf Control Fund.....	Ch.309 -	732
Workforce Development Council.....	Ch.337 -	768

ARBITRATION

See MEDIATION AND ARBITRATION

ARCHAEOLOGY

Idaho Roadless Rule Implementation Com, establish.....	Ch. 27 -	51
Idaho State Historical Society, collections, protected.	Ch. 84 -	189

ARCHITECTURE AND ARCHITECTS

Bd of Architectural Examiners, compensation, increase..	Ch.129 -	270
Idaho Architecture Practice Act, new.....	Ch.129 -	270

ARMED FORCES

See MILITARY AND MILITIA

ARTS

Com, approp.....	Ch.289 -	688
------------------	----------	-----

ASSESSMENTS AND ASSESSORS

Drainage Districts, assessment for payment of bonds....	Ch. 92 -	197
Goat assessments, remove condition.....	Ch. 82 -	185
Immunization Assessment Bd, increase members.....	Ch. 32 -	59
Immunization assessments, extend program to 2024.....	Ch. 32 -	59
Immunization assessments, nonpayment by carrier.....	Ch. 32 -	59
Tax Com, assessment errors, correct/report, date.....	Ch. 30 -	54
Tax exempt property, new construction, refund of taxes	Ch.194 -	430
Wolf control assessments, extend sunset provisions.....	Ch.217 -	489

ASSISTED LIVING AND NURSING HOMES

Health care organization, add residential care facility	Ch.145 -	300
Nursing home administrators, training requirements.....	Ch. 88 -	193
Skilled nursing facility assessments, medicaid payments	Ch. 49 -	125
Skilled nursing facility, quality performance reporting	Ch. 49 -	125

ASSOCIATIONS

Cooperative electrical assn, tax allotment notice.....	Ch. 31 -	57
Cooperative natural gas assn, tax allotment notice.....	Ch. 31 -	57
Homeowner associations, statement of account/fees.....	Ch.205 -	457
Idaho Assn of Free & Charitable Clinics, tax exemption.	Ch.111 -	224

ATHLETICS

2018 Winter Olympics, Idaho athletes, congratulate.....	HCR039 -	878
Gerald Louis "Jerry" Kramer Day, August 23, 2018.....	HCR054 -	892
Jerry Kramer, Pro Football Hall of Fame, congratulate..	HCR054 -	892
Trainer, licensure, exception, athletics/arts, 60 days.	Ch. 24 -	42

ATTORNEY GENERAL

Approp.....	Ch.175 -	385
Approp, add'l.....	Ch.328 -	759
Compensation, increase.....	Ch.269 -	643

ATTORNEYS

Administrative proceedings, licensees, attorney's fees.	Ch.348 -	795
Atty fees, personal injury actions of \$35,000 or under.	Ch.244 -	567
Concealed weapons, instruction course, Idaho state bar.	Ch.171 -	379
Justices and judges, compensation, increase.....	Ch.255 -	605
Public Defense Com, approp.....	Ch.248 -	576
Public Defense Com, approp, add'l.....	Ch.327 -	759
Public Defense Com, extraordinary litigation costs.....	Ch.162 -	319
Public Defense Com, indigent defense rule rejected.....	HCR056 -	894
Public Defense Com, members.....	Ch.161 -	318

AUCTIONS AND AUCTIONEERS

Judgment debtors, execution sales, allow online auction	Ch.121 -	258
---	----------	-----

AUDITORIUM DISTRICTS

See DISTRICTS

AUDITS AND AUDITORS

Property tax administration, abstracts, certified mail.	Ch. 29 -	53
---	----------	----

AUTOMOBILES

See MOTOR VEHICLES

AWARDS

See HONORS AND AWARDS

BALLOTS

See ELECTIONS

BANKS AND FINANCIAL INSTITUTIONS

Idaho Credit Union Act, revise.....	Ch.165 -	328
-------------------------------------	----------	-----

BARBERS

Barber and Cosmetology Services Act, new.....	Ch.228 -	519
---	----------	-----

BEER

See LIQUOR

BIDS

- Administration Dept, construction contracts, bids..... Ch.119 - 254
 Judgment debtors, execution sales, allow online auction Ch.121 - 258

BILLS

- Joint Rule 4, bill enrolled by originating house..... SCR125 - 856

BIOLOGY

See SCIENCE AND TECHNOLOGY

BLIND

- Blind/Visually Impaired Com, approp..... Ch.136 - 282
 Idaho educ services bureau, deaf & blind, cigarette tax Ch. 94 - 201

BOARDS

- Acupuncture Bd, members, compensation, increase..... Ch. 57 - 144
 Barber and Cosmetology Services Licensing Bd, new..... Ch.228 - 519
 Bd of Architectural Examiners, compensation, increase.. Ch.129 - 270
 Behavioral Health Bd, members..... Ch. 34 - 64
 Dentistry Bd, Rule Docket 19-0101-1701 rejected..... HCR046 - 884
 Dentistry Bd, members, compensation, increase..... Ch. 55 - 141
 Endowment Fund Investment Bd, approp..... Ch.141 - 287
 Endowment Fund Investment Bd, compensation..... Ch. 65 - 156
 Flood Control District Bd, removal and replacement.... Ch.193 - 429
 Idaho Water Resource Bd, Priest Lake, dam management... Ch. 62 - 153
 Immunization Assessment Bd, increase members..... Ch. 32 - 59
 Nursing Bd, membership appointment and reappointment... Ch.156 - 313
 Petroleum Clean Water Trust Fund Bd, membership..... Ch. 21 - 33
 Pharmacy Bd, duties, powers, authority, revised..... Ch. 37 - 76
 Pharmacy Bd, opioid antagonists, prescriptions filed... Ch. 10 - 14
 STEM Action Center Advisory Bd, terms/duties..... Ch. 23 - 38
 School Bd of Trustees, elections, November..... Ch.164 - 322

BONDS

- Bond elections, ballot disclosure statements, revise... Ch.261 - 618
 Drainage Districts, assessment for payment of bonds.... Ch. 92 - 197
 Fire Protection Districts, bonds, election notification Ch. 19 - 31

BUILDING SAFETY DIVISION

- Approp..... Ch.352 - 843
 Approp, add'l..... Ch.115 - 240
 Residential building codes, local govt authority..... Ch.338 - 769

BUILDINGS

- Residential building codes, local govt authority..... Ch.338 - 769
 State multiagency facilities, long-term maintenance... Ch.127 - 266
 State multiagency facilities, management..... Ch.180 - 393

BUSINESS

- Business Information Infrastructure Project, new..... Ch. 45 - 110
 Franchise agreements, employment status, define..... Ch.215 - 485
 Income tax rates, corporations, reduce..... Ch. 46 - 111
 Minimum wage laws, exception, children, family business Ch.251 - 581
 Rotary International, license plates, new..... Ch.253 - 583
 Short-term & vacation rentals, cannot prohibit..... Ch. 79 - 179

BUSINESS ENTITIES

- Business entities, filing fee, statement of termination Ch. 25 - 45
 Business entities, filing format, surcharge..... Ch. 25 - 45

Nonprofit corporations, records, signature requirements Ch. 28 -	52
CAMPAIGN FINANCE	
See CAMPAIGNS AND CANDIDATES	
CAMPAIGNS AND CANDIDATES	
Campaign finance reform, legislative study comm..... SCR143 -	870
Campaign finance, electronic reports, remove local govt Ch. 2 -	6
County election records, retention requirements..... Ch. 78 -	177
Public Integrity in Elections Act, new..... Ch.260 -	616
CANCER	
Diffuse Intrinsic Pontine Glioma Awareness Day, May 17. HCR036 -	876
CAPITOL	
Capitol com, approp..... Ch.291 -	691
CATTLE	
See LIVESTOCK	
CEMETERIES AND CREMATORIIUMS	
Cemetery Maintenance Districts, consolidation/elections Ch.196 -	440
State veterans cemeteries, technical corrections..... Ch. 66 -	156
CHARITIES	
Charitable contributions, deductions, code reference... Ch. 5 -	11
Idaho Assn of Free & Charitable Clinics, tax exemption. Ch.111 -	224
Idaho Community Foundation, honor..... SCR127 -	857
CHILD PROTECTIVE ACT	
Child protection, citizen review panel, establish..... Ch.287 -	675
Child protection, legislative review panel, establish.. Ch.287 -	675
Miscellaneous revisions..... Ch.287 -	675
CHILDREN	
Adoption, expenses, increase tax deduction..... Ch.206 -	459
Breastfeeding, child, obscene/indecent exposure, exempt Ch.181 -	395
Child Protective Act, miscellaneous revisions..... Ch.287 -	675
Child abuse, investigation, identity of reporting party Ch.252 -	582
Child protection, citizen review panel, establish..... Ch.287 -	675
Child protection, legislative review panel, establish.. Ch.287 -	675
Child tax credit, \$130 for each qualifying child..... Ch. 46 -	111
Child tax credit, \$205 for each qualifying child..... Ch.351 -	842
Cytomegalovirus awareness month, June..... SCR131 -	861
Diffuse Intrinsic Pontine Glioma Awareness Day, May 17. HCR036 -	876
Hearing aids, how to make available to children..... HCR045 -	883
Immunization Assessment Bd, increase members..... Ch. 32 -	59
Immunization assessments, extend program to 2024..... Ch. 32 -	59
Immunization assessments, nonpayment by carrier..... Ch. 32 -	59
Juvenile Corrections Dept, release of juvenile, notice. Ch.157 -	314
Minimum wage laws, exception, children, family business Ch.251 -	581
Organ donor, must be at least 15 years old..... Ch.191 -	417
School safety patrols, reporting violations, revise.... Ch. 73 -	169
Underage alcohol possession, immunity, remove sunset... Ch.190 -	417
Workforce Development Council, establish..... Ch. 47 -	118
CHURCHES	
See RELIGION AND CHURCHES	

CIGARETTES
See TOBACCO

CIRCUIT BREAKER TAX RELIEF
See TAX AND TAXATION, PROPERTY

CITIES

City and county initiative/referendum procedures.....	Ch.238	-	557
District court, magistrate's division, funding, revise.	Ch.264	-	630
Firemen's retirement fund, annexing city/fire district.	Ch.178	-	392
Planning & zoning, subdivision proposal, notice.....	Ch.246	-	572
Short-term & vacation rentals, cannot prohibit.....	Ch. 79	-	179

CIVIL ACTIONS

Action for possession against tenant, complaint.....	Ch.124	-	263
Administrative proceedings, licensees, attorney's fees.	Ch.348	-	795
Atty fees, personal injury actions of \$35,000 or under.	Ch.244	-	567
Civil asset forfeitures, miscellaneous revisions.....	Ch.221	-	494
Judgment debtors, execution sales, allow online auction	Ch.121	-	258
Property trespass, civil and criminal, revise.....	Ch.350	-	824
Safety restraint, failure to wear, evidence, negligence	Ch.295	-	699
Small Lawsuit Resolution Act, \$35,000 limit.....	Ch.244	-	567
Small claims court, answer to claim, within 21 days....	Ch.126	-	265

CIVIL RIGHTS

Marilyn Tate Shuler, human/civil rights activist, honor	HCR048	-	885
---	--------	---	-----

CODES

Idaho Code codifier's corrections.....	Ch.169	-	344
Internal Revenue Code, update reference.....	Ch.198	-	445
Joint Publishing Comm, session laws.....	Ch.236	-	555
Residential building codes, local govt authority.....	Ch.338	-	769

COLLECTIONS AND COLLECTION AGENCIES

See DEBTORS AND CREDITORS

COLLEGES AND UNIVERSITIES

College savings plans, taxable income, adjustments....	Ch.109	-	221
Concealed weapon carry, retired officer, college/school	Ch.195	-	437
Eastern Idaho Technical College, remove reference.....	Ch. 17	-	22
Education Bd, approp, community colleges.....	Ch.292	-	692
Education Bd/Univ of Idaho, approp, health education...	Ch.344	-	788
Education Bd/Univ of Idaho, approp, special programs...	Ch.279	-	662
Education Bd/Univ of Idaho, approp, universities.....	Ch.247	-	574
Higher education students, worker's comp coverage.....	Ch. 39	-	99
Idaho Opportunity Scholarship, awards to adult students	Ch.245	-	570
Lewis-Clark State College, honor.....	SCR126	-	856
Liquor Account, funds distribution to community college	Ch. 87	-	191
Medical residency programs, donations, tax credit.....	Ch. 33	-	61
Optional retirement program, employee benefits.....	Ch.176	-	386
Organ donor registration, notice to college students...	Ch. 97	-	206
Postsecondary institutions, course credits, transfer...	Ch. 96	-	204
Residency requirements for public higher education....	Ch.200	-	451
Rural physician incentive fund, state contribution....	Ch.138	-	284
Univ of Idaho, approp, agricultural research/extension.	Ch.203	-	454

COMMERCE

Dept, approp.....	Ch.312	-	737
Dept, planning regions definition, Dist 4, Camas County	Ch. 71	-	165

Mountain Standard Time Zone, Idaho's northern counties.	SCR138	-	867
COMMERCIAL TRANSACTIONS			
Farm equipment, supplier/dealer transactions, revised..	Ch.224	-	504
COMMISSIONS			
Blind/Visually Impaired Com, approp.....	Ch.136	-	282
Drainage Districts, com'rs, compensation, revise.....	Ch. 92	-	197
Fire Protection Districts, com'rs, compensation.....	Ch. 18	-	30
Hispanic Affairs Com, approp.....	Ch.202	-	454
Hispanic Affairs Com, approp, add'l.....	Ch. 20	-	33
Idaho Roadless Rule Implementation Com, establish.....	Ch. 27	-	51
Pend Oreille/Priest Lake Com, Columbia River Basin.....	Ch. 63	-	154
Public Defense Com, extraordinary litigation costs.....	Ch.162	-	319
Public Defense Com, members.....	Ch.161	-	318
Public Utilities Com, approp.....	Ch.174	-	384
Soil and Water Conservation Com, approp.....	Ch.108	-	220
Soil and Water Conservation Com, approp, add'l.....	Ch. 9	-	14
Tax Com, members, compensation, increase.....	Ch.336	-	765
COMMITTEES			
Campaign finance reform, legislative study comm.....	SCR143	-	870
Commercial/farm vehicles, fees, legislative study comm.	SCR134	-	864
Credit Rating Enhancement Comm, reports due December 1.	Ch. 85	-	190
Joint Publishing Comm, session laws.....	Ch.236	-	555
Occupational licensing laws, legislative study comm....	SCR146	-	871
Public school funding formula, legislative study comm..	HCR049	-	887
State employees, insurance plan, legislative study comm	HCR041	-	879
State govt agency locations, legislative study comm....	HCR051	-	890
COMMODITIES			
Seed buyer, license, denial, criteria.....	Ch.153	-	311
COMMUNICATIONS			
See TELECOMMUNICATIONS			
COMPUTERS			
See ELECTRONIC TECHNOLOGY			
CONFLICTS OF INTEREST			
See ETHICS			
CONGRESS, UNITED STATES			
Commercial motor vehicles, revise federal regulations..	HJM012	-	853
Federal national monument designations, requirements...	HJM014	-	854
Federal wilderness designations, requirements.....	HJM014	-	854
CONSERVATION			
Soil and Water Conservation Com, approp.....	Ch.108	-	220
Soil and Water Conservation Com, approp, add'l.....	Ch. 9	-	14
Species conservation office, approp.....	Ch.134	-	280
CONSTITUTION			
19th Amendment, encourage preparation for centennial...	SCR128	-	858
CONSTRUCTION			
Administration Dept, construction contracts, bids.....	Ch.119	-	254
Residential building codes, local govt authority.....	Ch.338	-	769
Tax exempt property, new construction, refund of taxes	Ch.194	-	430

CONSUMERS

Credit reporting agencies, fees for security freeze.... Ch.163 - 322

CONTRACTORS

Electrical contractors, facility account, licenses..... Ch.208 - 460
 Electrical contractors, limited and restricted licenses Ch.209 - 468
 Electrical contractors, master electrician, licenses... Ch.208 - 460
 Electrical contractors, no local gov't registration... Ch.208 - 460
 Electrical inspectors, qualifications/training..... Ch.207 - 459

CONTRACTS

Administration Dept, construction contracts, bids..... Ch.119 - 254
 Certificate of insurance, form and contents..... Ch.214 - 483
 Covenants not to compete, irreparable harm presumption. Ch.349 - 823
 Farm equipment, supplier/dealer transactions, revised.. Ch.224 - 504
 Franchise agreements, employment status, define..... Ch.215 - 485
 Health benefit plans, order of liquidation, terminate.. Ch.192 - 418
 Idaho Motor Vehicle Service Contract Act, replace..... Ch.116 - 241
 Insurance coverage, living organ donors, discrimination Ch.167 - 341
 Life insurance/annuity, long-term care rider, benefits. Ch.192 - 418
 Long-term care insurance, assessments..... Ch.192 - 418

CONTRIBUTIONS

Charitable contributions, deductions, code reference... Ch. 5 - 11
 Idaho Community Foundation, honor..... SCR127 - 857
 Medical residency programs, donations, tax credit..... Ch. 33 - 61
 Rural physician incentive fund, state contribution..... Ch.138 - 284

CONTROLLED SUBSTANCES

Civil asset forfeitures, miscellaneous revisions..... Ch.221 - 494
 Drug overdose, medical assistance, no possession charge Ch.265 - 637
 Drug product substitutions, by pharmacist..... Ch. 35 - 67
 Issuing, distributing, and dispensing of..... Ch. 36 - 68
 Legend Drug Code Imprint, repeal..... Ch.259 - 616
 Opioid antagonists, prescriptions filed, Pharmacy Bd... Ch. 10 - 14
 Opioid treatment programs, revised..... Ch. 36 - 68
 Package label, requirements revised..... Ch. 36 - 68
 Prescription drug order blanks..... Ch. 36 - 68
 Schedule I, acetyl fentanyl and tetrahydrocannabinols.. Ch. 36 - 68
 Tobacco/drug programs, approp, millennium income fund.. Ch.304 - 729

CONTROLLER, STATE

Approp..... Ch.330 - 761
 Approp, add'l..... Ch.328 - 759
 Business Information Infrastructure Fund, establish.... Ch. 45 - 110
 Business Information Infrastructure Project, new..... Ch. 45 - 110
 Compensation, increase..... Ch.269 - 643
 State employees, notice of leave benefit, bone marrow.. Ch. 98 - 207
 State employees, notice of leave benefit, organ donor.. Ch. 98 - 207

CORPORATIONS

Income tax rates, corporations, reduce..... Ch. 46 - 111
 Nonprofit, records, signature requirements..... Ch. 28 - 52
 Taxable income, adjustments..... Ch. 3 - 7

CORRECTIONAL INSTITUTIONS

Prisoners, in county jails, state payments, increase... Ch.122 - 259
 Prisoners, medical costs, privatized medical providers. Ch.321 - 749

CORRECTIONS

Correction Dept, approp.....	Ch.301 -	720
Correction Dept, approp, add'l.....	Ch.103 -	214
Correction Dept, approp, add'l.....	Ch.306 -	730
Foreign offenders, transfer, consent, authorization....	Ch.243 -	567
Judgments, court may retain jurisdiction over prisoner.	Ch.125 -	264
Prisoners, in county jails, state payments, increase...	Ch.122 -	259
Prisoners, medical costs, privatized medical providers.	Ch.321 -	749

COSMETOLOGY

Barber and Cosmetology Services Act, new.....	Ch.228 -	519
---	----------	-----

COUNCILS

Behavioral Health Planning Council, members.....	Ch. 34 -	64
Idaho State Police, POST Council rule rejected.....	SCR139 -	868
State Independent Living Council, approp.....	Ch.173 -	383
Workforce Development Council, approp.....	Ch.337 -	768
Workforce Development Council, establish.....	Ch. 47 -	118

COUNSELING AND COUNSELORS

Attempted strangulation, violator evaluations/treatment	Ch.123 -	260
Domestic violence, violator evaluations/treatment.....	Ch.123 -	260
Educational support program, counseling support.....	Ch.262 -	619
Marriage and family therapists, licensure requirements.	Ch. 59 -	146

COUNTIES

City and county initiative/referendum procedures.....	Ch.238 -	557
Commerce Dept, planning regions, Dist 4, Camas County..	Ch. 71 -	165
Cooperative electrical assn, tax allotment notice.....	Ch. 31 -	57
Cooperative natural gas assn, tax allotment notice.....	Ch. 31 -	57
County election records, retention requirements.....	Ch. 78 -	177
County recorders, fees, recording certain instruments..	Ch.187 -	411
District court, magistrate's division, funding, revise.	Ch.264 -	630
Early voting procedures, ballot security measures.....	Ch.155 -	312
Jurors, compensation, lengthy trial, \$50 per day.....	Ch.257 -	608
Jurors, compensation, lengthy trial, reimburse county..	Ch.257 -	608
Law enforcement, media recordings, retention.....	Ch.184 -	403
Planning & zoning, subdivision proposal, notice.....	Ch.246 -	572
Prisoners, in county jails, state payments, increase...	Ch.122 -	259
Property tax administration, abstracts, certified mail.	Ch. 29 -	53
Public Defense Com, extraordinary litigation costs.....	Ch.162 -	319
Sheriff's office, remove references to department.....	Ch. 93 -	199
Short-term & vacation rentals, cannot prohibit.....	Ch. 79 -	179
State voter registration database, official register...	Ch. 78 -	177
Tax exempt property, new construction, refund of taxes	Ch.194 -	430
Wind/Solar/Geothermal producer, tax allotment notice...	Ch. 31 -	57

COURTS

Administrative proceedings, licensees, attorney's fees.	Ch.348 -	795
Atty fees, personal injury actions of \$35,000 or under.	Ch.244 -	567
Child Protective Act, miscellaneous revisions.....	Ch.287 -	675
Criminal cases, fines/fees/restitution, payments.....	Ch.189 -	414
District court, magistrate's division, funding, revise.	Ch.264 -	630
Driving without privileges, revise penalties.....	Ch.298 -	703
Judgment debtors, execution sales, allow online auction	Ch.121 -	258
Judgments, court may retain jurisdiction over prisoner.	Ch.125 -	264
Jurors, compensation, lengthy trial, reimburse county..	Ch.257 -	608
Justices and judges, compensation, increase.....	Ch.255 -	605

Orders renewing judgment.....	Ch.284	-	672
Safety restraint, failure to wear, evidence, negligence	Ch.295	-	699
Small Lawsuit Resolution Act, \$35,000 limit.....	Ch.244	-	567
Small claims, answer to claim, file within 21 days.....	Ch.126	-	265
Supreme Court, approp.....	Ch.267	-	639
Supreme Court, approp, add'l.....	Ch.325	-	756
Supreme Court, approp, supreme court program.....	Ch.319	-	745
CREDIT AND CREDITORS			
See DEBTORS AND CREDITORS			
CREDIT CARDS			
See PAYMENT METHODS			
CREDIT UNIONS			
Idaho Credit Union Act, revise.....	Ch.165	-	328
CRIMINAL BACKGROUND CHECKS			
Criminal history and fingerprint records, expunge.....	Ch.286	-	674
Pharmacists, licensure, criminal history check.....	Ch. 37	-	76
Tax Com, employees, nationwide background checks.....	Ch. 68	-	163
CRIMINAL OFFENSES & PROCEDURES			
Aggravated sexual battery, felony, new crime.....	Ch.322	-	751
Aid to person in vehicle, imminent danger, immunity....	Ch.285	-	673
Attempted strangulation, violator evaluations/treatment	Ch.123	-	260
Controlled-access highways, vehicles in left lane.....	Ch.130	-	277
Crime victims compensation, forensic/medical exam costs	Ch.249	-	577
Criminal cases, fines/fees/restitution, payments.....	Ch.189	-	414
Criminal history and fingerprint records, expunge.....	Ch.286	-	674
DUI, evidentiary testing, ignition interlock system....	Ch.254	-	587
Dentistry, conviction definition, revised.....	Ch. 54	-	140
Domestic violence, violator evaluations/treatment.....	Ch.123	-	260
Driving without privileges, revise penalties.....	Ch.298	-	703
Drug overdose, medical assistance, no possession charge	Ch.265	-	637
Forcible penetration by foreign object.....	Ch.323	-	753
Foreign offenders, transfer, consent, authorization....	Ch.243	-	567
Juvenile Corrections Dept, release of juvenile, notice.	Ch.157	-	314
Obscene/indecent exposure, breastfeeding, child, exempt	Ch.181	-	395
Property trespass, civil and criminal, revise.....	Ch.350	-	824
Self-defense, use of deadly force, presumption.....	Ch.222	-	500
Sex crimes, video voyeurism, revise.....	Ch.256	-	606
Sexual battery, misdemeanor, new crime.....	Ch.322	-	751
Threatening violence upon school grounds, revise.....	Ch.240	-	562
Underage alcohol possession, immunity, remove sunset...	Ch.190	-	417
Unfair Sales Act, repeal.....	Ch.179	-	393
Violence victims, address confidentiality program.....	Ch.112	-	227
CROPS			
See AGRICULTURE			
CUSTODIANS			
Public Records Act, public agency, designate custodian.	Ch.143	-	290
DAMS			
Priest Lake, dam management, Idaho Water Resource Bd...	Ch. 62	-	153
Priest Lake, water surface level, 3.0 and 3.5 feet.....	Ch. 62	-	153
DAYLIGHT SAVINGS TIME			
Mountain Standard Time Zone, Idaho's northern counties.	SCR138	-	867

DAYS

See HOLIDAYS AND DAYS

DEAF

Idaho educ services bureau, deaf & blind, cigarette tax Ch. 94 - 201

DEATH

Organ donation awareness, support and encourage..... HCR043 - 880

Organ donor, must be at least 15 years old..... Ch.191 - 417

DEBTORS AND CREDITORS

Credit Rating Enhancement Comm, reports due December 1. Ch. 85 - 190

Credit reporting agencies, fees for security freeze.... Ch.163 - 322

Judgment debtors, execution sales, allow online auction Ch.121 - 258

DENTISTRY AND DENTISTS

Conviction definition, revised..... Ch. 54 - 140

Dental care, preventive, Medicaid..... Ch.182 - 397

Dental hygienist, practice under general supervision... Ch. 53 - 136

Dental specialist, definition revised..... Ch. 52 - 135

Dentistry Bd, Rule Docket 19-0101-1701 rejected..... HCR046 - 884

Dentistry Bd, members, compensation, increase..... Ch. 55 - 141

Licensure, by credentials, 3,500 hours over 5 years.... Ch.170 - 378

DENTURISTS

See PROFESSIONS

DIETITIANS AND DIETETICS

Licensure, exception, athletics/arts, 60 days..... Ch. 24 - 42

DISABLED

Disabled veteran, no license plate fee..... Ch. 43 - 107

Disabled veteran, no vehicle registration fee..... Ch. 43 - 107

Disabled veteran, property tax reduction..... Ch.183 - 401

Purple Heart recipient, no license plate fee..... Ch. 43 - 107

Purple Heart recipient, no vehicle registration fee... Ch. 43 - 107

Service dog, definition, include mentally disabled.... Ch.144 - 298

Sign language interpreter, license, reduce age to 18... Ch. 72 - 166

Sign language interpreter, license, school exemption... Ch. 72 - 166

State Independent Living Council, approp..... Ch.173 - 383

DISCRIMINATION

Insurance coverage discrimination, living organ donors. Ch.167 - 341

DISEASES

Cytomegalovirus awareness month, June..... SCR131 - 861

Diffuse Intrinsic Pontine Glioma Awareness Day, May 17. HCR036 - 876

Eating Disorders Awareness Week, Feb 26 - March 4, 2018 HCR038 - 877

DISTRICTS

See also SCHOOLS AND SCHOOL DISTRICTS

Boundary County Library Dist, congratulate..... HCR034 - 875

Cemetery Maintenance Districts, consolidation/elections Ch.196 - 440

Drainage Districts, assessment for payment of bonds.... Ch. 92 - 197

Drainage Districts, com'rs, compensation, revise..... Ch. 92 - 197

Drainage Districts, personal property, sale/exchange... Ch. 92 - 197

Fire Protection Districts, bonds, election notification Ch. 19 - 31

Fire Protection Districts, com'rs, compensation..... Ch. 18 - 30

Fire Protection Districts, com'rs, vacancies..... Ch.168 - 342

Fire Protection Districts, real property exchanges.....	Ch.188	-	413
Firemen's retirement fund, annexing city/fire district.	Ch.178	-	392
Flood Control District Bd, removal and replacement.....	Ch.193	-	429
Irrigation/water districts, subdivision proposal notice	Ch.246	-	572
Public Health Districts, approp, add'l.....	Ch.319	-	745
Public Health Districts, appropriations formula.....	Ch.296	-	700
Public Health Districts, composition of district board.	Ch.296	-	700
Water Dist, annual meetings, absentee/proxy voting.....	Ch. 40	-	100
DIVORCE			
See DOMESTIC RELATIONS			
DNA			
See SCIENCE AND TECHNOLOGY			
DOCTORS			
See PHYSICIANS AND SURGEONS			
DOGS			
See ANIMALS			
DOMESTIC RELATIONS			
Child, adoption, expenses, increase tax deduction.....	Ch.206	-	459
DOMESTIC VIOLENCE			
Attempted strangulation, violator evaluations/treatment	Ch.123	-	260
Domestic violence, violator evaluations/treatment.....	Ch.123	-	260
Victims, transfer wireless phone service.....	Ch.227	-	518
Violence victims, address confidentiality program.....	Ch.112	-	227
DRIVERS			
Commercial motor vehicles, revise federal regulations..	HJM012	-	853
Controlled-access highways, vehicles in left lane.....	Ch.130	-	277
DUI, evidentiary testing, ignition interlock system....	Ch.254	-	587
Disabled veteran, no license plate fee.....	Ch. 43	-	107
Disabled veteran, no vehicle registration fee.....	Ch. 43	-	107
Driving without privileges, revise penalties.....	Ch.298	-	703
Emergency vehicle approach, right side of highway.....	Ch. 74	-	169
License, Class D and motorcycle, fee, increase.....	Ch.113	-	230
Military vehicles, operation on public highways.....	Ch.237	-	556
Public Records Act, driver's license number, disclosure	Ch.143	-	290
Purple Heart recipient, no license plate fee.....	Ch. 43	-	107
Purple Heart recipient, no vehicle registration fee...	Ch. 43	-	107
Safety restraint, failure to wear, evidence, negligence	Ch.295	-	699
Safety restraint, use, mail carriers.....	Ch.139	-	284
School safety patrols, reporting violations, revise....	Ch. 73	-	169
Transportation Dept, consolidate vehicle permits.....	SCR130	-	860
Wildlife, killed on roadways, dispatch/salvage.....	Ch. 75	-	170
DRUGS			
Drug outlet application procedures, revised.....	Ch. 37	-	76
Drug overdose, medical assistance, no possession charge	Ch.265	-	637
Drug product substitutions, by pharmacist.....	Ch. 35	-	67
Legend Drug Code Imprint, repeal.....	Ch.259	-	616
Legend drugs, possession, veterinary drug outlets.....	Ch. 37	-	76
Opioid antagonists, prescriptions filed, Pharmacy Bd...	Ch. 10	-	14
Prescription drug order, transmission, digital image...	Ch. 37	-	76
EASEMENTS			
Private lands, available to public, liability.....	Ch. 50	-	127

ECONOMIC DEVELOPMENT

STEM Action Center Advisory Bd, terms/duties.....	Ch. 23 -	38
Workforce Development Council, establish.....	Ch. 47 -	118

EDUCATION

Advanced opportunities scholarship, revise.....	Ch.100 -	209
Bd, approp, Idaho public television.....	Ch.131 -	278
Bd, approp, Office of.....	Ch.270 -	645
Bd, approp, career technical education div.....	Ch.290 -	689
Bd, approp, community colleges.....	Ch.292 -	692
Bd, approp, vocational rehabilitation div.....	Ch.346 -	793
Bd/Univ of Idaho, approp, colleges and universities....	Ch.247 -	574
Bd/Univ of Idaho, approp, health education programs....	Ch.344 -	788
Bd/Univ of Idaho, approp, special programs.....	Ch.279 -	662
Career technical education, incentive funding mechanism	Ch. 16 -	20
Career technical education, revise terminology.....	Ch. 95 -	203
Career technical schools, funding criteria, revise.....	Ch.341 -	781
College optional retirement program, employee benefits.	Ch.176 -	386
Concealed weapon carry, retired officer, college/school	Ch.195 -	437
Concealed weapons, instruction course, Idaho state bar.	Ch.171 -	379
Dept, approp, public schools, administrators div.....	Ch.229 -	538
Dept, approp, public schools, central services div.....	Ch.233 -	545
Dept, approp, public schools, children's programs.....	Ch.231 -	541
Dept, approp, public schools, deaf/blind services.....	Ch.234 -	547
Dept, approp, public schools, facilities div.....	Ch.232 -	544
Dept, approp, public schools, operations div.....	Ch.283 -	669
Dept, approp, public schools, teachers div.....	Ch.230 -	540
Develop school safety improvements, cigarette tax.....	Ch. 94 -	201
Education policies, empower students and parents.....	SCR129 -	859
Educational support program, counseling support.....	Ch.262 -	619
Electrical inspectors, education/training.....	Ch.207 -	459
Firearms safety education, primary & secondary schools.	Ch.250 -	580
Governor, Office of, STEM action center, approp.....	Ch.268 -	642
High school student exempt, apprenticeships.....	Ch.199 -	446
High school, remove senior year math requirement.....	Ch.110 -	224
Idaho Opportunity Scholarship, awards to adult students	Ch.245 -	570
Idaho educ services bureau, deaf & blind, cigarette tax	Ch. 94 -	201
Medical residency programs, donations, tax credit.....	Ch. 33 -	61
Postsecondary institutions, course credits, transfer...	Ch. 96 -	204
Public charter schools, miscellaneous revisions.....	Ch.197 -	444
Public school employees, retirement, unused sick leave.	Ch. 91 -	195
Public school funding formula, legislative study comm..	HCR049 -	887
Public schools, STEM diploma, requirements.....	Ch. 60 -	150
Public schools, must offer computer science course....	Ch.239 -	562
Residency requirements for public higher education....	Ch.200 -	451
STEM Action Center Advisory Bd, terms/duties.....	Ch. 23 -	38
School Bd of Trustees, elections, November.....	Ch.164 -	322
School districts, wireless technology standards.....	Ch. 99 -	208
School labor negotiations, proof of representation....	Ch.219 -	492
School occupational/physical therapists, career ladder.	Ch.185 -	405
Suicide prevention in schools, training/policy.....	Ch.263 -	629
Univ of Idaho, approp, agricultural research/extension.	Ch.203 -	454

ELDERLY

See SENIOR CITIZENS

ELECTIONS

Bond elections, ballot disclosure statements, revise...	Ch.261 -	618
Campaign finance reform, legislative study comm.....	SCR143 -	870
Campaign finance, electronic reports, remove local govt	Ch. 2 -	6
Cemetery Maintenance Districts, consolidation/elections	Ch.196 -	440
City and county initiative/referendum procedures.....	Ch.238 -	557
County election records, retention requirements.....	Ch. 78 -	177
Early voting procedures, ballot security measures.....	Ch.155 -	312
Election board, appointing student members, age 16.....	Ch.154 -	311
Fire Protection Districts, bonds, election notification	Ch. 19 -	31
Public Integrity in Elections Act, new.....	Ch.260 -	616
School Bd of Trustees, elections, November.....	Ch.164 -	322
State voter registration database, official register...	Ch. 78 -	177

ELECTRICITY AND ELECTRICIANS

Apprenticeship, high school student exemption.....	Ch.199 -	446
Cooperative electrical assn, tax allotment notice.....	Ch. 31 -	57
Electrical contractors, facility account, licenses.....	Ch.208 -	460
Electrical contractors, limited and restricted licenses	Ch.209 -	468
Electrical contractors, master electrician, licenses...	Ch.208 -	460
Electrical contractors, no local gov't registration...	Ch.208 -	460
Electrical inspectors, qualifications/training.....	Ch.207 -	459
Electrical installations, declaration of policy revised	Ch.208 -	460
Electrical installations, inspections, permits.....	Ch.208 -	460
Limited energy electrical license, install electrical..	Ch.209 -	468

ELECTRONIC TECHNOLOGY

Domestic violence victims, wireless phone service.....	Ch.227 -	518
Internet sales tax, retailer nexus, rebuttal.....	Ch.220 -	493
Livestock/agriculture haulers, electronic log exemption	SJM104 -	848
School districts, wireless technology standards.....	Ch. 99 -	208

ELK (DOMESTIC CERVIDAE)

See ANIMALS

EMERGENCIES

Drug overdose, medical assistance, no possession charge	Ch.265 -	637
Emergency Medical Responder, ambulance attendant.....	Ch.101 -	212
Emergency first aid, immunity from damage claims.....	Ch.218 -	491
Emergency vehicle approach, right side of highway.....	Ch. 74 -	169
H&W Dept, emergency medical services town hall meetings	SCR135 -	865
Medical assistance, underage alcohol consumption.....	Ch.190 -	417
Organ donation awareness, support and encourage.....	HCR043 -	880
Organ donor, must be at least 15 years old.....	Ch.191 -	417
Vehicle towing/removal/storage, notice.....	Ch.212 -	480

EMERGENCY MEDICAL TECHNICIANS

See EMERGENCIES

EMPLOYERS AND EMPLOYEES

See also LABOR

College optional retirement program, employee benefits.	Ch.176 -	386
Covenants not to compete, irreparable harm presumption.	Ch.349 -	823
Franchise agreements, employment status, define.....	Ch.215 -	485
Human Resources Div, rulemaking authority.....	Ch.118 -	250
Medical directors, employed by H&W, nonclassified.....	Ch.120 -	256
Minimum wage laws, exception, children, family business	Ch.251 -	581
Nursing home administrators, training requirements.....	Ch. 88 -	193

PERSI, early retirement, benefit calculation.....	Ch.177 -	390
PERSI, various definitions revised.....	Ch.235 -	548
School labor negotiations, proof of representation....	Ch.219 -	492
State employees, insurance plan, legislative study comm	HCR041 -	879
State employees, notice of leave benefit, bone marrow..	Ch. 98 -	207
State employees, notice of leave benefit, organ donor..	Ch. 98 -	207
State executive dept employees, recruitment bonuses....	Ch.117 -	247
Tax Com, employees, nationwide background checks.....	Ch. 68 -	163
Unemployment insurance taxes, taxable wage rate reduced	Ch. 1 -	3
Workforce Development Council, establish.....	Ch. 47 -	118
EMPLOYMENT SECURITY LAW		
Unemployment insurance taxes, taxable wage rate reduced	Ch. 1 -	3
ENDOWMENT FUNDS AND LANDS		
Endowment Fund Investment Bd, approp.....	Ch.141 -	287
Endowment Fund Investment Bd, compensation.....	Ch. 65 -	156
ENERGY		
Approp, Governor, Office of, energy & mineral resources	Ch.106 -	218
Cooperative electrical assn, tax allotment notice.....	Ch. 31 -	57
Cooperative natural gas assn, tax allotment notice.....	Ch. 31 -	57
Idaho Roadless Rule Implementation Com, establish.....	Ch. 27 -	51
Wind/Solar/Geothermal producer, tax allotment notice...	Ch. 31 -	57
ENGINEERS AND SURVEYORS		
Bd, approp.....	Ch. 15 -	19
License, examination provisions revised.....	Ch. 67 -	159
STEM Action Center Advisory Bd, terms/duties.....	Ch. 23 -	38
ENVIRONMENT		
DEQ, approp.....	Ch.293 -	693
DEQ, approp, add'l.....	Ch.305 -	729
DEQ, approp, add'l.....	Ch.334 -	764
Idaho Roadless Rule Implementation Com, establish.....	Ch. 27 -	51
Petroleum Clean Water Trust Fund Bd, membership.....	Ch. 21 -	33
Poultry operations, pollutant discharge program.....	Ch. 22 -	34
Stibnite Gold Project, encourage federal support.....	HJM010 -	850
EQUAL RIGHTS		
19th Amendment, encourage preparation for centennial...	SCR128 -	858
Marilyn Tate Shuler, human/civil rights activist, honor	HCR048 -	885
EQUIPMENT		
Agricultural machinery/equipment, tax exemption.....	Ch.297 -	702
Farm equipment, supplier/dealer transactions, revised..	Ch.224 -	504
Hop crops production machinery/equipment, tax exemption	Ch.297 -	702
ESCROW		
See REAL ESTATE		
ETHICS		
Open public meetings, agendas, action items.....	Ch.223 -	502
Open public meetings, notice, post electronically.....	Ch.223 -	502
Open public meetings, public agency definition, revise.	Ch.142 -	288
ETHNIC		
Hispanic Affairs Com, approp.....	Ch.202 -	454
Hispanic Affairs Com, approp, add'l.....	Ch. 20 -	33

EVIDENCE

Crime victims compensation, forensic/medical exam costs Ch.249	-	577
Criminal history and fingerprint records, expunge..... Ch.286	-	674
Drug overdose, medical assistance, no possession charge Ch.265	-	637
Safety restraint, failure to wear, evidence, negligence Ch.295	-	699

EXECUTIVE ORDERS

2017-05.....	900
2017-06.....	902
2017-07.....	904
2017-08.....	906
2017-09.....	907
2017-10.....	908
2017-11.....	910
2017-12.....	912
2017-13.....	914
2018-01.....	916
2018-02.....	919
2018-03.....	920

FARMS AND FARMING

See AGRICULTURE

FEDERAL LAWS AND RELATIONS

19th Amendment, encourage preparation for centennial... SCR128	-	858
Columbia River Treaty, negotiations with Canada..... HJM011	-	851
Commercial motor vehicles, revise federal regulations.. HJM012	-	853
Federal national monument designations, requirements... HJM014	-	854
Federal wilderness designations, requirements..... HJM014	-	854
Idaho Produce Safety Law, new..... Ch.216	-	486
Idaho Roadless Rule Implementation Com, establish..... Ch. 27	-	51
Stibnite Gold Project, encourage federal support..... HJM010	-	850
Tax exemption, facilities used by U.S. for INL research Ch.152	-	310
Wild and Scenic Rivers Act, 50th anniversary..... SCR132	-	862

FEES

Administrative proceedings, licensees, attorney's fees. Ch.348	-	795
Agency fee rules approved..... SCR149	-	872
Atty fees, personal injury actions of \$35,000 or under. Ch.244	-	567
Business entities, filing fee, statement of termination Ch. 25	-	45
Business entities, filing format, surcharge..... Ch. 25	-	45
Commercial/farm vehicles, fees, legislative study comm. SCR134	-	864
County recorders, fees, recording certain instruments.. Ch.187	-	411
Criminal cases, fines/fees/restitution, payments..... Ch.189	-	414
Disabled veteran, no license plate fee..... Ch. 43	-	107
Disabled veteran, no vehicle registration fee..... Ch. 43	-	107
Driver's license, Class D and motorcycle, fee, increase Ch.113	-	230
F&G licenses, purchase, may collect credit card fee.... Ch. 4	-	10
Filing fees, Water Resources Dept, point of diversion.. Ch. 42	-	104
Plumbing, license, inactive, no additional annual fee.. Ch.211	-	479
Purple Heart recipient, no license plate fee..... Ch. 43	-	107
Purple Heart recipient, no vehicle registration fee... Ch. 43	-	107
Statement of account/fees, homeowner associations..... Ch.205	-	457
Title insurance companies, premiums/escrow, reimburse.. Ch.213	-	481

FINANCE

Credit Rating Enhancement Comm, reports due December 1. Ch. 85	-	190
Dept, approp..... Ch.148	-	306

Financial management div, approp.....	Ch.132	-	279
FINANCIAL INSTITUTIONS			
See BANKS AND FINANCIAL INSTITUTIONS			
FINES			
Criminal cases, fines/fees/restitution, payments.....	Ch.189	-	414
FIRE AND FIREFIGHTERS			
Emergency vehicle approach, right side of highway.....	Ch. 74	-	169
Fire Protection Districts, bonds, election notification	Ch. 19	-	31
Fire Protection Districts, com'rs, compensation.....	Ch. 18	-	30
Fire Protection Districts, com'rs, vacancies.....	Ch.168	-	342
Fire Protection Districts, real property exchanges.....	Ch.188	-	413
Firemen's retirement fund, annexing city/fire district.	Ch.178	-	392
FIREARMS			
See WEAPONS			
FISH AND GAME			
Com, wildlife management tools, wolf collaring.....	Ch.147	-	305
Dept, approp.....	Ch.274	-	651
Dept, failure to report rule rejected.....	HCR033	-	874
Firearms safety education, primary & secondary schools.	Ch.250	-	580
Licenses, purchase, may collect credit card fee.....	Ch. 4	-	10
Private lands, available to public, liability.....	Ch. 50	-	127
Wildlife, killed on roadways, dispatch/salvage.....	Ch. 75	-	170
Wolf Control Fund, approp.....	Ch.309	-	732
FLOODS			
Columbia River Treaty, negotiations with Canada.....	HJM011	-	851
Flood Control District Bd, removal and replacement.....	Ch.193	-	429
FOOD			
Eating Disorders Awareness Week, Feb 26 - March 4, 2018	HCR038	-	877
Idaho Produce Safety Law, new.....	Ch.216	-	486
FORESTS AND FORESTRY			
Forestry production taxes, require rulemaking.....	Ch. 83	-	186
Forestry production taxes, revert to 2016 status.....	Ch. 83	-	186
Idaho Roadless Rule Implementation Com, establish.....	Ch. 27	-	51
FRANCHISES			
Franchise agreements, employment status, define.....	Ch.215	-	485
FRUIT			
Idaho Produce Safety Law, new.....	Ch.216	-	486
FUELS			
Fuels tax, distributor definition revised.....	Ch. 80	-	179
Gas tax refund, timing, no income tax return.....	Ch. 81	-	183
Gaseous special fuels bulk tanks, taxation.....	Ch. 80	-	179
Petroleum Clean Water Trust Fund Bd, membership.....	Ch. 21	-	33
FUNDS			
Business Information Infrastructure Fund, establish....	Ch. 45	-	110
Firemen's retirement fund, annexing city/fire district.	Ch.178	-	392
Higher Ed Stabilization, College of Eastern Idaho.....	Ch. 17	-	22
IPDES Program Fund, established.....	Ch. 22	-	34
Pest Control Deficiency Fund, approp.....	Ch. 12	-	17
Petroleum Clean Water Trust Fund Bd, membership.....	Ch. 21	-	33

Rural physician incentive fund, state contribution.....	Ch.138	-	284
Skilled Nursing Facility Assessment Fund, use, revised.	Ch. 49	-	125
Technology Infrastructure Stabilization Fund, establish	Ch. 58	-	145
Tobacco/drug programs, approp, millennium income fund..	Ch.304	-	729
Workforce Development Training Fund, establish.....	Ch. 47	-	118

GARNISHMENT

See also DEBTORS AND CREDITORS

GASOLINE

See FUELS

GEOHERMAL

Wind/Solar/Geothermal producer, tax allotment notice...	Ch. 31	-	57
---	--------	---	----

GIFTS

See CONTRIBUTIONS

GOVERNMENT

Administrative proceedings, licensees, attorney's fees.	Ch.348	-	795
Administrative rules, continue in full force and effect	Ch.299	-	715
Agency fee rules approved.....	SCR149	-	872
Agency temporary rules approved and extended.....	SCR150	-	873
Business Information Infrastructure Project, new.....	Ch. 45	-	110
District court, magistrate's division, funding, revise.	Ch.264	-	630
Govt vehicles, license plate designators table, revise.	Ch. 93	-	199
Human Resources Div, rulemaking authority.....	Ch.118	-	250
Idaho Roadless Rule Implementation Com, establish.....	Ch. 27	-	51
Justices and judges, compensation, increase.....	Ch.255	-	605
Office of Information Technology Services, establish...	Ch.258	-	609
Open public meetings, agendas, action items.....	Ch.223	-	502
Open public meetings, notice, post electronically.....	Ch.223	-	502
Open public meetings, public agency definition, revise.	Ch.142	-	288
PERSI, approp.....	Ch.343	-	786
PERSI, early retirement, benefit calculation.....	Ch.177	-	390
PERSI, various definitions revised.....	Ch.235	-	548
Private lands, available to public, liability.....	Ch. 50	-	127
Public Records Act, disclosures/exemptions, revise....	Ch.143	-	290
Public Records Act, public agency, designate custodian.	Ch.143	-	290
Public agency self-funded health care plans, revised...	Ch. 61	-	151
Rural physician incentive fund, state contribution.....	Ch.138	-	284
State constitutional officers, compensation increases..	Ch.269	-	643
State employees, insurance plan, legislative study comm	HCR041	-	879
State employees, notice of leave benefit, bone marrow..	Ch. 98	-	207
State employees, notice of leave benefit, organ donor..	Ch. 98	-	207
State executive dept employees, recruitment bonuses....	Ch.117	-	247
State govt agency locations, legislative study comm....	HCR051	-	890
State multiagency facilities, long-term maintenance....	Ch.127	-	266
State multiagency facilities, management.....	Ch.180	-	393

GOVERNOR

Executive Order 2017-05.....	900
Executive Order 2017-06.....	902
Executive Order 2017-07.....	904
Executive Order 2017-08.....	906
Executive Order 2017-09.....	907
Executive Order 2017-10.....	908
Executive Order 2017-11.....	910
Executive Order 2017-12.....	912

Executive Order 2017-13.....	914
Executive Order 2018-01.....	916
Executive Order 2018-02.....	919
Executive Order 2018-03.....	920
Authority, transfer foreign offenders.....	Ch.243 - 567
Compensation, increase.....	Ch.269 - 643
Executive Office of, approp.....	Ch.317 - 741
Executive Office of, approp, add'l.....	Ch.328 - 759
Idaho Roadless Rule Implementation Com, establish.....	Ch. 27 - 51
Office of, Office of Information Technology Services...	Ch.258 - 609
Office of, State of the State address.....	HCR030 - 874
Office of, approp, STEM action center.....	Ch.268 - 642
Office of, approp, add'l, military div.....	Ch. 90 - 195
Office of, approp, drug policy.....	Ch.140 - 286
Office of, approp, energy and mineral resources.....	Ch.106 - 218
Office of, approp, financial management div.....	Ch.132 - 279
Office of, approp, human resources div.....	Ch.271 - 647
Office of, approp, information technology services.....	Ch.335 - 764
Office of, approp, military div.....	Ch.282 - 667
Office of, approp, species conservation office.....	Ch.134 - 280
Office of, approp, state liquor div.....	Ch.329 - 760
Open public meetings, public agency definition, revise.	Ch.142 - 288
STEM Action Center Advisory Bd, terms/duties.....	Ch. 23 - 38
Wolf Control Fund, approp.....	Ch.309 - 732
Workforce Development Council, establish.....	Ch. 47 - 118

GUNS

See WEAPONS

HANDICAPPED

See DISABLED

HEALTH

Abortion Complications Reporting Act, new.....	Ch.225 - 509
Abortion, chemical, additional information to patient..	Ch.159 - 315
Accident and sickness insurance, authorization to sell.	Ch.166 - 339
Acupuncture Bd, members, compensation, increase.....	Ch. 57 - 144
Behavioral Health Bd, members.....	Ch. 34 - 64
Behavioral Health Planning Council, members.....	Ch. 34 - 64
Behavioral health services, definitions added.....	Ch. 34 - 64
Breastfeeding, child, obscene/indecent exposure, exempt	Ch.181 - 395
Cytomegalovirus awareness month, June.....	SCR131 - 861
Diffuse Intrinsic Pontine Glioma Awareness Day, May 17.	HCR036 - 876
Eating Disorders Awareness Week, Feb 26 - March 4, 2018	HCR038 - 877
H&W Dept, emergency medical services town hall meetings	SCR135 - 865
Health benefit plans, order of liquidation, terminate..	Ch.192 - 418
Health care organization, add residential care facility	Ch.145 - 300
Health care policies, encourage funding for families...	SCR129 - 859
Health screenings, charitable, provider immunity.....	Ch. 38 - 97
Hearing aids, how to make available to children.....	HCR045 - 883
Idaho Assn of Free & Charitable Clinics, tax exemption.	Ch.111 - 224
Immunization Assessment Bd, increase members.....	Ch. 32 - 59
Immunization assessments, extend program to 2024.....	Ch. 32 - 59
Immunization assessments, nonpayment by carrier.....	Ch. 32 - 59
Life insurance/annuity, long-term care rider, benefits.	Ch.192 - 418
Living organ donors, insurance coverage discrimination.	Ch.167 - 341
Long-term care insurance, assessments.....	Ch.192 - 418

Medicaid, preventive dental care.....	Ch.182	-	397
Nursing home administrators, training requirements.....	Ch. 88	-	193
Organ donation awareness, support and encourage.....	HCR043	-	880
Organ donor registration, notice to college students...	Ch. 97	-	206
Organ donor, must be at least 15 years old.....	Ch.191	-	417
Physical therapists, may perform dry needling.....	Ch.204	-	455
Public Health Districts, approp, add'l.....	Ch.319	-	745
Public Health Districts, appropriations formula.....	Ch.296	-	700
Public Health Districts, composition of district board.	Ch.296	-	700
Public agency self-funded health care plans, revised...	Ch. 61	-	151
Service dog, definition, include mentally disabled.....	Ch.144	-	298
State employees, insurance plan, legislative study comm	HCR041	-	879
State employees, notice of leave benefit, bone marrow..	Ch. 98	-	207
State employees, notice of leave benefit, organ donor..	Ch. 98	-	207
Suicide prevention in schools, training/policy.....	Ch.263	-	629
Tobacco/drug programs, approp, millennium income fund..	Ch.304	-	729

HEALTH AND WELFARE DEPARTMENT

Abortion Complications Reporting Act, new.....	Ch.225	-	509
Abortion, chemical, additional information to patient..	Ch.159	-	315
Approp, basic medicaid plan program.....	Ch.332	-	763
Approp, child welfare program, add'l.....	Ch.319	-	745
Approp, developmentally disabled services.....	Ch.342	-	782
Approp, independent councils/indirect support/license..	Ch.353	-	844
Approp, medicaid div.....	Ch.339	-	773
Approp, mental health, psychiatric, add'l.....	Ch. 44	-	108
Approp, mental health, psychiatric, substance abuse....	Ch.300	-	716
Approp, physical health services program.....	Ch.340	-	778
Approp, physical health services program, add'l.....	Ch.331	-	762
Approp, public health services div.....	Ch.340	-	778
Approp, state hospital north and south.....	Ch.307	-	730
Approp, welfare div.....	Ch.294	-	697
Behavioral Health Bd, members.....	Ch. 34	-	64
Behavioral Health Planning Council, members.....	Ch. 34	-	64
Behavioral health services, definitions added.....	Ch. 34	-	64
Child abuse, investigation, identity of reporting party	Ch.252	-	582
Develop new skilled nursing facility.....	SCR140	-	869
H&W Dept, emergency medical services town hall meetings	SCR135	-	865
Medicaid, preventive dental care.....	Ch.182	-	397
Medical directors, employed by H&W, nonclassified.....	Ch.120	-	256
Pilot program, encourage self-funded families.....	SCR129	-	859
Rule Docket 16-0308-1701 rejected.....	HCR047	-	884
Skilled nursing facility assessments, medicaid payments	Ch. 49	-	125
Skilled nursing facility, quality performance reporting	Ch. 49	-	125

HEARING AIDS

See also SPEECH AND HEARING SERVICES

Hearing aids, how to make available to children.....	HCR045	-	883
--	--------	---	-----

HEARING IMPAIRED

Sign language interpreter, license, reduce age to 18...	Ch. 72	-	166
Sign language interpreter, license, school exemption...	Ch. 72	-	166

HEATING AND COOLING

Apprenticeship, high school student exemption.....	Ch.199	-	446
HVAC apprentice, journeyman's examination, requirements	Ch.210	-	478

HIGHWAYS

Commercial/farm vehicles, fees, legislative study comm.	SCR134	-	864
Controlled-access highways, vehicles in left lane.....	Ch.130	-	277
Driver's license, Class D and motorcycle, fee, increase	Ch.113	-	230
Military vehicles, operation on public highways.....	Ch.237	-	556
Transportation Dept, approp, add'l.....	Ch. 8	-	13
Transportation Dept, consolidate vehicle permits.....	SCR130	-	860
Vehicle permits, digital format, overweight loads.....	Ch. 26	-	47
Wildlife, killed on roadways, dispatch/salvage.....	Ch. 75	-	170

HISTORICAL SITES

Idaho Roadless Rule Implementation Com, establish.....	Ch. 27	-	51
--	--------	---	----

HISTORICAL SOCIETY

Idaho State Historical Society, approp.....	Ch.308	-	731
Idaho State Historical Society, collections, protected.	Ch. 84	-	189
Idaho State Historical Society, revise definition.....	Ch.137	-	283

HISTORY

Catholics in Idaho history, recognize contributions....	HCR044	-	881
---	--------	---	-----

HOLIDAYS AND DAYS

Cytomegalovirus awareness month, June.....	SCR131	-	861
Diffuse Intrinsic Pontine Glioma Awareness Day, May 17.	HCR036	-	876
Eating Disorders Awareness Week, Feb 26 - March 4, 2018	HCR038	-	877
Gerald Louis "Jerry" Kramer Day, August 23, 2018.....	HCR054	-	892
National Social Work Month, March 2018.....	SCR136	-	866
Wild and Scenic Rivers Act, 50th anniversary.....	SCR132	-	862

HOMES AND HOUSING

Homeowner associations, statement of account/fees.....	Ch.205	-	457
Title insurance companies, premiums/escrow, reimburse..	Ch.213	-	481

HOMICIDE

Self-defense, use of deadly force, presumption.....	Ch.222	-	500
---	--------	---	-----

HONORS AND AWARDS

2018 Winter Olympics, Idaho athletes, congratulate....	HCR039	-	878
Boundary County Library Dist, congratulate.....	HCR034	-	875
Idaho Community Foundation, honor.....	SCR127	-	857
Jerry Kramer, Pro Football Hall of Fame, congratulate..	HCR054	-	892
Lewis-Clark State College, honor.....	SCR126	-	856
Marilyn Tate Shuler, human/civil rights activist, honor	HCR048	-	885
Mike Nugent, Legislative Services Office, honor.....	HCR053	-	891
Sheila Olsen, patriotic citizen, honor.....	HCR058	-	895

HOSPITALS

Abortion Complications Reporting Act, new.....	Ch.225	-	509
Abortion, chemical, additional information to patient..	Ch.159	-	315
Emergency Medical Responder, ambulance attendant.....	Ch.101	-	212
H&W Dept, develop new skilled nursing facility.....	SCR140	-	869
Health care organization, add residential care facility	Ch.145	-	300

HOTELS AND MOTELS

Short-term & vacation rentals, cannot prohibit.....	Ch. 79	-	179
---	--------	---	-----

HOUSE OF REPRESENTATIVES

See also LEGISLATURE

Joint Publishing Comm, session laws.....	Ch.236	-	555
--	--------	---	-----

Joint Rule 16, House & Senate Chambers, use, process...	HCR040 -	879
Joint Rule 4, bill enrolled by originating house.....	SCR125 -	856
HUMAN RESOURCES DIVISION		
Approp.....	Ch.271 -	647
Medical directors, employed by H&W, nonclassified.....	Ch.120 -	256
Rulemaking authority, provisional appointment rules....	Ch.118 -	250
State executive dept employees, recruitment bonuses....	Ch.117 -	247
HUNTING		
See FISH AND GAME		
IDAHO CODE		
See CODES		
IDAHO NATIONAL LABORATORY		
Tax exemption, facilities used by U.S. for INL research	Ch.152 -	310
IDENTITY AND NAMES		
Child abuse, investigation, identity of reporting party	Ch.252 -	582
Criminal history and fingerprint records, expunge.....	Ch.286 -	674
Violence victims, address confidentiality program.....	Ch.112 -	227
IMMUNITY		
See LIABILITY		
IMMUNIZATION		
Immunization Assessment Bd, increase members.....	Ch. 32 -	59
Immunization assessments, extend program to 2024.....	Ch. 32 -	59
Immunization assessments, nonpayment by carrier.....	Ch. 32 -	59
INCOME TAX		
See TAX AND TAXATION, INCOME		
INDIANS		
See NATIVE AMERICANS		
INDIGENTS		
See PUBLIC ASSISTANCE		
INDUSTRIAL COMMISSION		
Approp.....	Ch.273 -	649
Approp, add'l.....	Ch. 14 -	18
Approp, crime victims compensation program.....	Ch.316 -	741
Crime victims compensation, forensic/medical exam costs	Ch.249 -	577
INFORMATION SYSTEMS		
Business Information Infrastructure Project, new.....	Ch. 45 -	110
Office of Information Technology Services, establish...	Ch.258 -	609
INFRASTRUCTURE		
Business Information Infrastructure Project, new.....	Ch. 45 -	110
State multiagency facilities, long-term maintenance....	Ch.127 -	266
State multiagency facilities, management.....	Ch.180 -	393
INITIATIVES AND REFERENDUMS		
City and county initiative/referendum procedures.....	Ch.238 -	557
INSPECTIONS AND INSPECTORS		
Electrical inspectors, qualifications/training.....	Ch.207 -	459
Electrical installations, declaration of policy revised	Ch.208 -	460
Electrical installations, inspections, permits.....	Ch.208 -	460

Idaho Produce Safety Law, new.....	Ch.216 -	486
INSURANCE		
Accident and sickness insurance, authorization to sell.	Ch.166 -	339
Certificate of insurance, form and contents.....	Ch.214 -	483
Dept, approp.....	Ch.150 -	308
Dept, how to make hearing aids available to children...	HCR045 -	883
Domestic insurer, dividends, earned surplus.....	Ch. 89 -	194
Health benefit plans, order of liquidation, terminate..	Ch.192 -	418
Idaho Motor Vehicle Service Contract Act, replace.....	Ch.116 -	241
Immunization Assessment Bd, increase members.....	Ch. 32 -	59
Immunization assessments, extend program to 2024.....	Ch. 32 -	59
Immunization assessments, nonpayment by carrier.....	Ch. 32 -	59
Insurance coverage, living organ donors, discrimination	Ch.167 -	341
Life insurance/annuity, long-term care rider, benefits.	Ch.192 -	418
Long-term care insurance, assessments.....	Ch.192 -	418
Public agency self-funded health care plans, revised...	Ch. 61 -	151
State employees, insurance plan, legislative study comm	HCR041 -	879
Title insurance companies, premiums/escrow, reimburse..	Ch.213 -	481
Unemployment insurance taxes, taxable wage rate reduced	Ch. 1 -	3
INTEREST		
Immunization assessments, nonpayment by carrier.....	Ch. 32 -	59
INTERNAL REVENUE		
Internal Revenue Code, update reference.....	Ch.198 -	445
INTERNATIONAL RELATIONS		
Columbia River Treaty, negotiations with Canada.....	HJM011 -	851
Foreign offenders, transfer, consent, authorization....	Ch.243 -	567
INTERNET		
See ELECTRONIC TECHNOLOGY		
INVESTMENTS		
State funds, invest in corporations domiciled in U.S...	Ch. 86 -	190
Tax exemption, new capital investments, revise.....	Ch.151 -	309
Technology Infrastructure Stabilization Fund, establish	Ch. 58 -	145
IRRIGATION		
Drainage Districts, assessment for payment of bonds....	Ch. 92 -	197
Ground water management plan, no time priority basis...	Ch. 41 -	103
Irrigation/water districts, subdivision proposal notice	Ch.246 -	572
JAILS		
Prisoners, in county jails, state payments, increase...	Ch.122 -	259
JUDGES		
Compensation, increase.....	Ch.255 -	605
Concealed weapons, instruction course, Idaho state bar.	Ch.171 -	379
District court, magistrate's division, funding, revise.	Ch.264 -	630
JUDGMENTS		
Judgment debtors, execution sales, allow online auction	Ch.121 -	258
Orders renewing judgment.....	Ch.284 -	672
Sentencing, court may retain jurisdiction over prisoner	Ch.125 -	264
JURIES		
Jurors, compensation, lengthy trial, \$50 per day.....	Ch.257 -	608
Jurors, compensation, lengthy trial, reimburse county..	Ch.257 -	608

JUVENILE CORRECTIONS

Dept, approp.....	Ch.135 -	281
Dept, detention centers rule rejected.....	HCR055 -	893
Dept, release of juvenile, notice to parties.....	Ch.157 -	314
Juvenile offender, escape from facility or custody.....	Ch.158 -	315

LABOR

See also EMPLOYERS AND EMPLOYEES

Covenants not to compete, irreparable harm presumption.	Ch.349 -	823
Dept, approp.....	Ch.326 -	757
Franchise agreements, employment status, define.....	Ch.215 -	485
Medical directors, employed by H&W, nonclassified.....	Ch.120 -	256
School labor negotiations, proof of representation.....	Ch.219 -	492
State executive dept employees, recruitment bonuses....	Ch.117 -	247
Worker's comp coverage, higher education students.....	Ch. 39 -	99
Workforce Development Council, establish.....	Ch. 47 -	118

LAKES

Liquor license, waterfront resort, validity.....	Ch.226 -	517
Pend Oreille/Priest Lake Com, Columbia River Basin.....	Ch. 63 -	154
Priest Lake, dam management, Idaho Water Resource Bd...	Ch. 62 -	153
Priest Lake, water surface level, 3.0 and 3.5 feet.....	Ch. 62 -	153

LAND USE

Cooperative natural gas assn, tax allotment notice.....	Ch. 31 -	57
Planning & zoning, subdivision proposal, notice.....	Ch.246 -	572
Private lands, available to public, liability.....	Ch. 50 -	127

LANDLORDS AND TENANTS

Action for possession against tenant, complaint.....	Ch.124 -	263
--	----------	-----

LANDS

Dept, approp.....	Ch.278 -	659
Drainage Districts, assessment for payment of bonds....	Ch. 92 -	197
Placer or dredge exploration operation, notice.....	Ch. 76 -	171
Private lands, available to public, liability.....	Ch. 50 -	127
Surface mining operation, motorized equipment, notice..	Ch. 76 -	171
Wild and Scenic Rivers Act, 50th anniversary.....	SCR132 -	862

LAW ENFORCEMENT

Aid to person in vehicle, imminent danger, immunity....	Ch.285 -	673
Child abuse, investigation, identity of reporting party	Ch.252 -	582
Civil asset forfeitures, miscellaneous revisions.....	Ch.221 -	494
Concealed weapon carry, retired officer, college/school	Ch.195 -	437
Emergency vehicle approach, right side of highway.....	Ch. 74 -	169
Juvenile Corrections Dept, release of juvenile, notice.	Ch.157 -	314
Juvenile offender, escape from facility or custody.....	Ch.158 -	315
Media recordings, evidentiary value, retention.....	Ch.184 -	403
Self-defense, use of deadly force, presumption.....	Ch.222 -	500

LAWYERS

See ATTORNEYS

LEASES

See also LANDLORDS AND TENANTS

Action for possession against tenant, complaint.....	Ch.124 -	263
--	----------	-----

LEGISLATIVE COUNCIL

Legislative Services Office, approp.....	Ch.266 -	638
--	----------	-----

Legislative Services Office, approp..... Ch.347 - 795

LEGISLATIVE SERVICES

See LEGISLATIVE COUNCIL

LEGISLATURE

Campaign finance reform, legislative study comm..... SCR143 - 870
 Child protection, legislative review panel, establish.. Ch.287 - 675
 Commercial/farm vehicles, fees, legislative study comm. SCR134 - 864
 Expectation to continue wolf collaring..... Ch.147 - 305
 Federal national monument designations, requirements... HJM014 - 854
 Federal wilderness designations, requirements..... HJM014 - 854
 Idaho Session Laws, printing, limited to 150 copies.... SCR148 - 872
 Interim committees, approp..... Ch.347 - 795
 Joint Publishing Comm, session laws..... Ch.236 - 555
 Joint Rule 16, House & Senate Chambers, use, process... HCR040 - 879
 Joint Rule 4, bill enrolled by originating house..... SCR125 - 856
 Mike Nugent, Legislative Services Office, honor..... HCR053 - 891
 Occupational licensing laws, legislative study comm.... SCR146 - 871
 Public school funding formula, legislative study comm.. HCR049 - 887
 State employees, insurance plan, legislative study comm HCR041 - 879
 State govt agency locations, legislative study comm.... HCR051 - 890

LIABILITY

Aid to person in vehicle, imminent danger, immunity.... Ch.285 - 673
 Drug overdose, medical assistance, no possession charge Ch.265 - 637
 Emergency first aid, immunity from damage claims..... Ch.218 - 491
 Health screenings, charitable, provider immunity..... Ch. 38 - 97
 Private lands, available to public, liability..... Ch. 50 - 127
 Underage alcohol possession, immunity, remove sunset... Ch.190 - 417
 Worker's comp coverage, higher education students..... Ch. 39 - 99

LIBRARIES AND LIBRARIANS

Boundary County Library Dist, congratulate..... HCR034 - 875
 Com, approp..... Ch.149 - 307

LICENSE PLATES

Disabled veteran, no license plate fee..... Ch. 43 - 107
 Disabled veteran, no vehicle registration fee..... Ch. 43 - 107
 Govt vehicles, license plate designators table, revise. Ch. 93 - 199
 Purple Heart recipient, no license plate fee..... Ch. 43 - 107
 Purple Heart recipient, no vehicle registration fee... Ch. 43 - 107
 Special, Idaho Rotary International plates, new..... Ch.253 - 583

LICENSES

Administrative proceedings, licensees, attorney's fees. Ch.348 - 795
 Athletics trainers, exception, athletics/arts, 60 days. Ch. 24 - 42
 Barber and Cosmetology Services Act, new..... Ch.228 - 519
 Commercial motor vehicles, revise federal regulations.. HJM012 - 853
 Concealed weapons, instruction course, Idaho state bar. Ch.171 - 379
 Dentistry, licensure, by credentials, 3,500 hours..... Ch.170 - 378
 Dieticians, exception, athletics/arts, 60 days..... Ch. 24 - 42
 Driver's license, Class D and motorcycle, fee, increase Ch.113 - 230
 Driver's, Public Records Act, disclosure..... Ch.143 - 290
 Electrical contractors, facility account, licenses.... Ch.208 - 460
 Electrical contractors, limited and restricted licenses Ch.209 - 468
 Electrical contractors, master electrician, licenses... Ch.208 - 460
 Electrical inspectors, qualifications, licenses..... Ch.207 - 459
 Emergency Medical Responder, ambulance attendant..... Ch.101 - 212

Engineers and surveyors, examination provisions revised	Ch. 67	-	159
F&G licenses, purchase, may collect credit card fee....	Ch. 4	-	10
Limited energy electrical license, install electrical..	Ch.209	-	468
Liquor, waterfront resort, validity.....	Ch.226	-	517
Marriage and family therapists, licensure requirements.	Ch. 59	-	146
Occupational licensing laws, legislative study comm....	SCR146	-	871
Occupational therapy, licensure, requirements, revised.	Ch. 51	-	131
Pharmacist, licensure, applicants, background check....	Ch. 37	-	76
Pharmacist, licensure, revised.....	Ch. 37	-	76
Physician assistants, exception, athletics/arts, 60 day	Ch. 24	-	42
Physicians, exception, athletics/arts, 60 days.....	Ch. 24	-	42
Plumbing, license, inactive, no additional annual fee..	Ch.211	-	479
Seed buyer, license, denial, criteria.....	Ch.153	-	311
Sign language interpreter, license, reduce age to 18...	Ch. 72	-	166
Sign language interpreter, license, school exemption...	Ch. 72	-	166
LIENS			
Orders renewing judgment.....	Ch.284	-	672
LIEUTENANT GOVERNOR			
Approp.....	Ch.276	-	658
Compensation, increase.....	Ch.269	-	643
LIQUOR			
DUI, evidentiary testing, ignition interlock system....	Ch.254	-	587
License, waterfront resort, validity.....	Ch.226	-	517
Liquor Account, funds distribution to community college	Ch. 87	-	191
State liquor div, approp.....	Ch.329	-	760
Underage alcohol possession, immunity, remove sunset...	Ch.190	-	417
LITIGATION			
Administrative proceedings, licensees, attorney's fees.	Ch.348	-	795
Atty fees, personal injury actions of \$35,000 or under.	Ch.244	-	567
Property trespass, civil and criminal, revise.....	Ch.350	-	824
Public Defense Com, extraordinary litigation costs....	Ch.162	-	319
Small Lawsuit Resolution Act, \$35,000 limit.....	Ch.244	-	567
Small claims court, answer to claim, within 21 days....	Ch.126	-	265
LIVESTOCK			
Goat assessments, remove condition.....	Ch. 82	-	185
Livestock/agriculture haulers, electronic log exemption	SJM104	-	848
Stockwater rights, additional legislative intent.....	Ch.320	-	747
Stockwater rights, appurtenance to the base property...	Ch.146	-	303
Stockwater rights, federal agency, forfeiture.....	Ch.320	-	747
Wolf control assessments, extend sunset provisions....	Ch.217	-	489
LOTTERY, STATE			
Approp.....	Ch.311	-	736
MAGISTRATES			
See JUDGES			
MAIL AND MAILING			
Property tax administration, abstracts, certified mail.	Ch. 29	-	53
MARRIAGE			
See DOMESTIC RELATIONS			
MEDALS			
See HONORS AND AWARDS			

MEDIATION AND ARBITRATION

Small Lawsuit Resolution Act, \$35,000 limit..... Ch.244 - 567

MEDICAL

Abortion Complications Reporting Act, new..... Ch.225 - 509
 Abortion, chemical, additional information to patient.. Ch.159 - 315
 Accident and sickness insurance, authorization to sell. Ch.166 - 339
 Acupuncture Bd, members, compensation, increase..... Ch. 57 - 144
 Athletic trainers, licensure, exception, 60 days..... Ch. 24 - 42
 Cytomegalovirus awareness month, June..... SCR131 - 861
 Dieticians, licensure, exception, 60 days..... Ch. 24 - 42
 Diffuse Intrinsic Pontine Glioma Awareness Day, May 17. HCR036 - 876
 Drug overdose, medical assistance, no possession charge Ch.265 - 637
 Drug product substitutions, by pharmacist..... Ch. 35 - 67
 Eating Disorders Awareness Week, Feb 26 - March 4, 2018 HCR038 - 877
 Education Bd/Univ of Idaho, approp, health education... Ch.344 - 788
 Emergency Medical Responder, ambulance attendant..... Ch.101 - 212
 Emergency first aid, immunity from damage claims..... Ch.218 - 491
 H&W Dept, emergency medical services town hall meetings SCR135 - 865
 Health benefit plans, order of liquidation, terminate.. Ch.192 - 418
 Health care organization, add residential care facility Ch.145 - 300
 Health screenings, charitable, provider immunity..... Ch. 38 - 97
 Hearing aids, how to make available to children..... HCR045 - 883
 Idaho Assn of Free & Charitable Clinics, tax exemption. Ch.111 - 224
 Immunization Assessment Bd, increase members..... Ch. 32 - 59
 Immunization assessments, extend program to 2024..... Ch. 32 - 59
 Immunization assessments, nonpayment by carrier..... Ch. 32 - 59
 Life insurance/annuity, long-term care rider, benefits. Ch.192 - 418
 Living organ donors, insurance coverage discrimination. Ch.167 - 341
 Long-term care insurance, assessments..... Ch.192 - 418
 Medicaid, preventive dental care..... Ch.182 - 397
 Medical boards, approp..... Ch.314 - 739
 Medical costs, prisoners, privatized medical providers. Ch.321 - 749
 Medical directors, employed by H&W, nonclassified..... Ch.120 - 256
 Medical residency programs, donations, tax credit..... Ch. 33 - 61
 Nursing Bd, membership appointment and reappointment... Ch.156 - 313
 Nursing home administrators, training requirements.... Ch. 88 - 193
 Organ donation awareness, support and encourage..... HCR043 - 880
 Organ donor registration, notice to college students... Ch. 97 - 206
 Organ donor, must be at least 15 years old..... Ch.191 - 417
 Physical therapists, may perform dry needling..... Ch.204 - 455
 Physician assistants, licensure, exception, 60 days.... Ch. 24 - 42
 Physicians, licensure, exception, 60 days..... Ch. 24 - 42
 Public agency self-funded health care plans, revised... Ch. 61 - 151
 Rural physician incentive fund, state contribution.... Ch.138 - 284
 State employees, insurance plan, legislative study comm HCR041 - 879
 State employees, notice of leave benefit, bone marrow.. Ch. 98 - 207
 State employees, notice of leave benefit, organ donor.. Ch. 98 - 207

MEDICAL ASSISTANCE

See PUBLIC ASSISTANCE

MEETINGS, PUBLIC

H&W Dept, emergency medical services town hall meetings SCR135 - 865
 Open public meetings, agendas, action items..... Ch.223 - 502
 Open public meetings, notice, post electronically..... Ch.223 - 502
 Open public meetings, public agency definition, revise. Ch.142 - 288

Water Dist, annual meetings, absentee/proxy voting.....	Ch. 40 -	100
MEMORIALS		
Columbia River Treaty, negotiations with Canada.....	HJM011 -	851
Commercial motor vehicles, revise federal regulations..	HJM012 -	853
Federal national monument designations, requirements...	HJM014 -	854
Federal wilderness designations, requirements.....	HJM014 -	854
Livestock/agriculture haulers, electronic log exemption	SJM104 -	848
Stibnite Gold Project, encourage federal support.....	HJM010 -	850
MENTAL HEALTH		
Behavioral Health Bd, members.....	Ch. 34 -	64
Behavioral Health Planning Council, members.....	Ch. 34 -	64
Behavioral health services, definitions added.....	Ch. 34 -	64
National Social Work Month, March 2018.....	SCR136 -	866
Service dog, definition, include mentally disabled....	Ch.144 -	298
Suicide prevention in schools, training/policy.....	Ch.263 -	629
MILITARY AND MILITIA		
Disabled veteran, no license plate fee.....	Ch. 43 -	107
Disabled veteran, no vehicle registration fee.....	Ch. 43 -	107
Disabled veteran, property tax reduction.....	Ch.183 -	401
Military vehicles, operation on public highways.....	Ch.237 -	556
Purple Heart recipient, no license plate fee.....	Ch. 43 -	107
Purple Heart recipient, no vehicle registration fee...	Ch. 43 -	107
MINERALS AND MINING		
Approp, Governor, Office of, energy & mineral resources	Ch.106 -	218
Placer or dredge exploration operation, notice.....	Ch. 76 -	171
Stibnite Gold Project, encourage federal support.....	HJM010 -	850
Surface mining operation, motorized equipment, notice..	Ch. 76 -	171
MONUMENTS		
Federal national monument designations, requirements...	HJM014 -	854
MOSQUITO ABATEMENT		
See PESTS AND PESTICIDES		
MOTELS		
See HOTELS AND MOTELS		
MOTOR CARRIERS		
Commercial motor vehicles, revise federal regulations..	HJM012 -	853
Commercial/farm vehicles, fees, legislative study comm.	SCR134 -	864
Emergency vehicle approach, right side of highway.....	Ch. 74 -	169
Livestock/agriculture haulers, electronic log exemption	SJM104 -	848
Transportation Dept, consolidate vehicle permits.....	SCR130 -	860
Vehicle permits, digital format, overweight loads.....	Ch. 26 -	47
MOTOR FUELS		
See FUELS		
MOTOR VEHICLES		
Aid to person in vehicle, imminent danger, immunity....	Ch.285 -	673
Commercial/farm vehicles, fees, legislative study comm.	SCR134 -	864
Controlled-access highways, vehicles in left lane.....	Ch.130 -	277
DUI, evidentiary testing, ignition interlock system....	Ch.254 -	587
Disabled veteran, no license plate fee.....	Ch. 43 -	107
Disabled veteran, no vehicle registration fee.....	Ch. 43 -	107
Driver's license, Class D and motorcycle, fee, increase	Ch.113 -	230

Driving without privileges, revise penalties.....	Ch.298 -	703
Emergency vehicle approach, right side of highway.....	Ch. 74 -	169
Fuels tax, distributor definition revised.....	Ch. 80 -	179
Gaseous special fuels bulk tanks, taxation.....	Ch. 80 -	179
Govt vehicles, license plate designators table, revise.	Ch. 93 -	199
Idaho Motor Vehicle Service Contract Act, replace.....	Ch.116 -	241
License plates, special, Rotary International, new.....	Ch.253 -	583
Military vehicles, operation on public highways.....	Ch.237 -	556
Parking restrictions, booting.....	Ch.324 -	754
Purple Heart recipient, no license plate fee.....	Ch. 43 -	107
Purple Heart recipient, no vehicle registration fee... Ch.	43 -	107
Safety restraint, failure to wear, evidence, negligence	Ch.295 -	699
Safety restraint, use, mail carriers.....	Ch.139 -	284
School safety patrols, reporting violations, revise....	Ch. 73 -	169
Transportation Dept, consolidate vehicle permits.....	SCR130 -	860
Vehicle towing/removal/storage, notice.....	Ch.212 -	480
Wildlife, killed on roadways, dispatch/salvage.....	Ch. 75 -	170
MOTORBIKES AND MOTORCYCLES		
Driver's license, Class D and motorcycle, fee, increase	Ch.113 -	230
NAMES		
See IDENTITY AND NAMES		
NATIONAL GUARD		
See MILITARY AND MILITIA		
NATIVE AMERICANS		
Idaho Roadless Rule Implementation Com, establish.....	Ch. 27 -	51
NATURAL RESOURCES		
See also ENVIRONMENT		
Cooperative natural gas assn, tax allotment notice.....	Ch. 31 -	57
Wind/Solar/Geothermal producer, tax allotment notice... Ch.	31 -	57
NEGLIGENCE		
Safety restraint, failure to wear, evidence, negligence	Ch.295 -	699
NEGOTIATIONS		
Columbia River Treaty, negotiations with Canada.....	HJM011 -	851
NOTARIES		
Notaries public, applications/reappointment.....	Ch. 77 -	174
Notaries public, stamping devices, requirements added..	Ch. 77 -	174
NOTICES		
Cooperative electrical assn, tax allotment notice.....	Ch. 31 -	57
Cooperative natural gas assn, tax allotment notice.....	Ch. 31 -	57
Fire Protection Districts, bonds, election notification	Ch. 19 -	31
Juvenile Corrections Dept, release of juvenile, notice.	Ch.157 -	314
Organ donor registration, notice to college students... Ch.	97 -	206
Placer or dredge exploration operation, notice.....	Ch. 76 -	171
Planning & zoning, subdivision proposal, notice.....	Ch.246 -	572
State employees, notice of leave benefit, bone marrow..	Ch. 98 -	207
State employees, notice of leave benefit, organ donor..	Ch. 98 -	207
Surface mining operation, motorized equipment, notice..	Ch. 76 -	171
Tax Com, notice, credit adjusted, out-of-state tax.....	Ch. 6 -	11
Vehicle towing/removal/storage, notice.....	Ch.212 -	480
Wind/Solar/Geothermal producer, tax allotment notice... Ch.	31 -	57

NURSING AND NURSES

- H&W Dept, develop new skilled nursing facility..... SCR140 - 869
 Nursing Bd, membership appointment and reappointment... Ch.156 - 313

NURSING HOMES

See ASSISTED LIVING AND NURSING HOMES

OBSCENITY

- Obscene/indecent exposure, breastfeeding, child, exempt Ch.181 - 395

OCCUPATIONAL LICENSES BUREAU

- Administrative proceedings, licensees, attorney's fees. Ch.348 - 795
 Occupational licensing laws, legislative study comm.... SCR146 - 871

OCCUPATIONAL THERAPY

- Licensure, requirements, revised..... Ch. 51 - 131
 School occupational/physical therapists, career ladder. Ch.185 - 405

OLYMPICS

See ATHLETICS

OPEN MEETING LAW

See MEETINGS, PUBLIC

ORGAN DONATIONS

- Bone marrow, state employees, notice of leave benefit.. Ch. 98 - 207
 Living organ donors, insurance coverage discrimination. Ch.167 - 341
 Organ donation awareness, support and encourage..... HCR043 - 880
 Organ donor registration, notice to college students... Ch. 97 - 206
 Organ donor, must be at least 15 years old..... Ch.191 - 417
 Organ donor, state employees, notice of leave benefit.. Ch. 98 - 207

ORGANIZATIONS

- License plates, special, Rotary International, new..... Ch.253 - 583

PARDONS AND PAROLE

- Com, approp..... Ch.288 - 687
 Com, rules rejected..... HCR057 - 894
 Foreign offenders, transfer, consent, authorization.... Ch.243 - 567

PARENTS

- Breastfeeding, child, obscene/indecent exposure, exempt Ch.181 - 395
 Child tax credit, \$130 for each qualifying child..... Ch. 46 - 111
 Child tax credit, \$205 for each qualifying child..... Ch.351 - 842
 Child, adoption, expenses, increase tax deduction..... Ch.206 - 459

PARKING

- Motor vehicles, parking restrictions, booting..... Ch.324 - 754

PARKS AND RECREATION

- Dept, approp..... Ch.280 - 664
 Lava Hot Springs Foundation, approp..... Ch.107 - 219
 Lava Hot Springs Foundation, approp, add'l..... Ch. 64 - 155

PARTNERSHIPS

- Partnership property, tax deduction, capital gains..... Ch.186 - 409

PAYMENT METHODS

- Credit reporting agencies, fees for security freeze.... Ch.163 - 322
 F&G licenses, purchase, may collect credit card fee.... Ch. 4 - 10

PENITENTIARY

Foreign offenders, transfer, consent, authorization.... Ch.243 - 567

PERMITS

See LICENSES

PERSI

See RETIREMENT

PESTS AND PESTICIDES

Pest Control Deficiency Fund, approp..... Ch. 12 - 17

PHARMACIES AND PHARMACISTS

Bd, duties, powers, authority, revised..... Ch. 37 - 76
 Bd, opioid antagonists, prescriptions filed..... Ch. 10 - 14
 Controlled substances, issuing, distributing..... Ch. 36 - 68
 Drug product substitutions, by pharmacist..... Ch. 35 - 67
 Idaho Pharmacy Act, definitions revised..... Ch. 37 - 76
 Legend Drug Code Imprint, repeal..... Ch.259 - 616
 Licensure, applicants, criminal history check..... Ch. 37 - 76
 Licensure, revised..... Ch. 37 - 76
 Pharmacy Bd, approp..... Ch. 11 - 17
 Prescription drug order blanks..... Ch. 36 - 68
 Prescription drug order, transmission, digital image... Ch. 37 - 76
 Unlawful practice, revised..... Ch. 37 - 76

PHYSICAL THERAPISTS

Practice, dry needling, may perform..... Ch.204 - 455
 School occupational/physical therapists, career ladder. Ch.185 - 405

PHYSICIANS AND SURGEONS

Abortion Complications Reporting Act, new..... Ch.225 - 509
 Abortion, chemical, additional information to patient.. Ch.159 - 315
 Licensure, exception, athletics/arts, 60 days..... Ch. 24 - 42
 Medical directors, employed by H&W, nonclassified..... Ch.120 - 256
 Medical residency programs, donations, tax credit..... Ch. 33 - 61
 Rural physician incentive fund, state contribution.... Ch.138 - 284

PLANNING AND ZONING

Subdivision proposal, notice to entities..... Ch.246 - 572

PLUMBING AND PLUMBERS

Apprenticeship, high school student exemption..... Ch.199 - 446
 License, inactive, no additional annual fee..... Ch.211 - 479

POLICE, IDAHO STATE

See also LAW ENFORCEMENT

Approp..... Ch.275 - 654
 Approp, brand inspection program..... Ch.114 - 240
 Approp, patrol program..... Ch.333 - 763
 Concealed weapon carry, retired officer, college/school Ch.195 - 437
 Criminal history and fingerprint records, expunge..... Ch.286 - 674
 Idaho State Police training rules rejected..... SCR137 - 867
 POST Council, rule rejected..... SCR139 - 868

POLLUTION

Poultry operations, pollutant discharge program..... Ch. 22 - 34

PORNOGRAPHY

Epidemic, educate/prevent/research/policy change..... HCR050 - 889

Obscene/indecent exposure, breastfeeding, child, exempt	Ch.181	-	395
PORT DISTRICTS			
See DISTRICTS			
POSTAL SYSTEM			
Mail carriers, safety restraint use.....	Ch.139	-	284
POULTRY			
Poultry operations, pollutant discharge program.....	Ch. 22	-	34
POWER			
See ENERGY			
PRESCRIPTIONS			
Drug product substitutions, by pharmacist.....	Ch. 35	-	67
PRINTING			
Session laws, limited to 150 copies.....	SCR148	-	872
PRISONS AND PRISONERS			
Foreign offenders, transfer, consent, authorization....	Ch.243	-	567
Prisoners, in county jails, state payments, increase...	Ch.122	-	259
Prisoners, medical costs, privatized medical providers.	Ch.321	-	749
PRIVACY			
Child abuse, investigation, identity of reporting party	Ch.252	-	582
Credit reporting agencies, fees for security freeze....	Ch.163	-	322
Criminal history and fingerprint records, expunge.....	Ch.286	-	674
Violence victims, address confidentiality program.....	Ch.112	-	227
PROFESSIONAL TECHNICAL EDUCATION			
Career Technical Education Div, approp.....	Ch.290	-	689
Career technical education, revise terminology.....	Ch. 95	-	203
Career technical schools, funding criteria, revise.....	Ch.341	-	781
Eastern Idaho Technical College, remove reference.....	Ch. 17	-	22
Postsecondary institutions, course credits, transfer...	Ch. 96	-	204
PROFESSIONS			
Athletic trainers, licensure, exception, 60 days.....	Ch. 24	-	42
Barber and Cosmetology Services Act, new.....	Ch.228	-	519
Dental hygienist, practice under general supervision...	Ch. 53	-	136
Dental specialist, definition revised.....	Ch. 52	-	135
Dentistry, conviction definition, revised.....	Ch. 54	-	140
Dentistry, licensure, by credentials, 3,500 hours.....	Ch.170	-	378
Dieticians, licensure, exception, 60 days.....	Ch. 24	-	42
Electrical contractors, facility account, licenses.....	Ch.208	-	460
Electrical contractors, limited and restricted licenses	Ch.209	-	468
Electrical contractors, master electrician, licenses...	Ch.208	-	460
Electrical contractors, no local gov't registration....	Ch.208	-	460
Electrical inspectors, qualifications/training.....	Ch.207	-	459
Emergency Medical Responder, ambulance attendant.....	Ch.101	-	212
Engineers and surveyors, license examination provisions	Ch. 67	-	159
HVAC apprentice, journeyman's examination, requirements	Ch.210	-	478
Idaho Architecture Practice Act, new.....	Ch.129	-	270
Marriage and family therapists, licensure requirements.	Ch. 59	-	146
National Social Work Month, March 2018.....	SCR136	-	866
Nursing home administrators, training requirements.....	Ch. 88	-	193
Occupational therapy, licensure, requirements, revised.	Ch. 51	-	131
Pharmacist, licensure, revised.....	Ch. 37	-	76

Pharmacist, unlawful practice, revised.....	Ch. 37 -	76
Physician assistants, licensure, exception, 60 days....	Ch. 24 -	42
Physicians, licensure, exception, 60 days.....	Ch. 24 -	42
Plumbing, license, inactive, no additional annual fee..	Ch.211 -	479
School occupational/physical therapists, career ladder.	Ch.185 -	405
Sign language interpreter, license, reduce age to 18...	Ch. 72 -	166
Sign language interpreter, license, school exemption...	Ch. 72 -	166
PROPERTY		
See also REAL ESTATE		
Agricultural machinery/equipment, tax exemption.....	Ch.297 -	702
Civil asset forfeitures, miscellaneous revisions.....	Ch.221 -	494
Hop crops production machinery/equipment, tax exemption	Ch.297 -	702
Judgment debtors, execution sales, allow online auction	Ch.121 -	258
Personal property, sale/exchange, Drainage Districts...	Ch. 92 -	197
Property trespass, civil and criminal, revise.....	Ch.350 -	824
Tax exempt property, new construction, refund of taxes	Ch.194 -	430
Tax exemption, new capital investments, revise.....	Ch.151 -	309
PROPERTY TAX		
See TAX AND TAXATION, PROPERTY		
PROSECUTING ATTORNEYS		
See ATTORNEYS		
PUBLIC ASSISTANCE		
Hearing aids, how to make available to children.....	HCR045 -	883
Medicaid, preventive dental care.....	Ch.182 -	397
Medicaid, value-based purchasing payments, definition..	Ch. 49 -	125
PUBLIC BROADCASTING		
Idaho public television, approp.....	Ch.131 -	278
PUBLIC EMPLOYEE RETIREMENT SYSTEM		
See RETIREMENT		
PUBLIC RECORDS		
See RECORDS		
PUBLIC UTILITIES		
See UTILITIES		
PUBLIC WORKS		
Div, construction contracts, bids.....	Ch.119 -	254
PUBLICATIONS		
Joint Publishing Comm, session laws.....	Ch.236 -	555
RADIO		
See TELECOMMUNICATIONS		
REAL ESTATE		
See also PROPERTY		
Real Estate Appraisers Act, appraisal review definition	Ch.128 -	268
Title insurance companies, premiums/escrow, reimburse..	Ch.213 -	481
REAL PROPERTY		
Action for possession against tenant, complaint.....	Ch.124 -	263
Fire Protection Districts, real property exchanges.....	Ch.188 -	413
Judgment debtors, execution sales, allow online auction	Ch.121 -	258
Partnership property, tax deduction, capital gains.....	Ch.186 -	409

Private lands, available to public, liability.....	Ch. 50	-	127
Property trespass, civil and criminal, revise.....	Ch.350	-	824
Real Estate Appraisers Act, appraisal review definition	Ch.128	-	268
Tax Com, assessment errors, correct/report, date.....	Ch. 30	-	54
Tax exemption, new capital investments, revise.....	Ch.151	-	309
Title insurance companies, premiums/escrow, reimburse..	Ch.213	-	481
RECOGNITION			
See HONORS AND AWARDS			
RECORDERS			
County recorders, fees, recording certain instruments..	Ch.187	-	411
Notaries public, applications/reappointment.....	Ch. 77	-	174
Notaries public, stamping devices, requirements added..	Ch. 77	-	174
RECORDS			
Child abuse, investigation, identity of reporting party	Ch.252	-	582
County election records, retention requirements.....	Ch. 78	-	177
Credit reporting agencies, fees for security freeze....	Ch.163	-	322
Law enforcement, media recordings, retention.....	Ch.184	-	403
Nonprofit corporations, records, signature requirements	Ch. 28	-	52
Public Records Act, disclosures/exemptions, revise....	Ch.143	-	290
Public Records Act, public agency, designate custodian.	Ch.143	-	290
State voter registration database, official register...	Ch. 78	-	177
Violence victims, address confidentiality program.....	Ch.112	-	227
RECREATION			
Idaho Roadless Rule Implementation Com, establish.....	Ch. 27	-	51
Private lands, available to public, liability.....	Ch. 50	-	127
REFERENDUMS			
See INITIATIVES AND REFERENDUMS			
RELIGION AND CHURCHES			
Catholics in Idaho history, recognize contributions....	HCR044	-	881
REPORTS			
Abortion Complications Reporting Act, new.....	Ch.225	-	509
Campaign finance, electronic reports, remove local govt	Ch. 2	-	6
Child abuse, investigation, identity of reporting party	Ch.252	-	582
Credit Rating Enhancement Comm, reports due December 1.	Ch. 85	-	190
Credit reporting agencies, fees for security freeze....	Ch.163	-	322
Joint Publishing Comm, session laws.....	Ch.236	-	555
Ombudsman for the elderly, duty to report abuse.....	Ch. 56	-	141
School safety patrols, reporting violations, revise....	Ch. 73	-	169
Skilled nursing facility, quality performance reporting	Ch. 49	-	125
Tax Com, assessment errors, correct/report, date.....	Ch. 30	-	54
RESEARCH			
Facilities used by U.S. for INL research, tax exemption	Ch.152	-	310
Mike Nugent, Legislative Services Office, honor.....	HCR053	-	891
Pornography, epidemic, educate/prevent/research.....	HCR050	-	889
RESERVOIRS			
Columbia River Treaty, negotiations with Canada.....	HJM011	-	851
Liquor license, waterfront resort, validity.....	Ch.226	-	517
RESOLUTIONS, CONCURRENT			
19th Amendment, encourage preparation for centennial...	SCR128	-	858
2018 Winter Olympics, Idaho athletes, congratulate....	HCR039	-	878

Agency fee rules approved.....	SCR149	-	872
Agency temporary rules approved and extended.....	SCR150	-	873
Boundary County Library Dist, congratulate.....	HCR034	-	875
Campaign finance reform, legislative study comm.....	SCR143	-	870
Catholics in Idaho history, recognize contributions....	HCR044	-	881
Commercial/farm vehicles, fees, legislative study comm.	SCR134	-	864
Cytomegalovirus awareness month, June.....	SCR131	-	861
Dentistry Bd, Rule Docket 19-0101-1701 rejected.....	HCR046	-	884
Diffuse Intrinsic Pontine Glioma Awareness Day, May 17.	HCR036	-	876
Eating Disorders Awareness Week, Feb 26 - March 4, 2018	HCR038	-	877
F&G Dept, failure to report rule rejected.....	HCR033	-	874
Gerald Louis "Jerry" Kramer Day, August 23, 2018.....	HCR054	-	892
Governor, Office of, State of the State address.....	HCR030	-	874
H&W Dept Rule Docket 16-0308-1701 rejected.....	HCR047	-	884
H&W Dept, develop new skilled nursing facility.....	SCR140	-	869
H&W Dept, emergency medical services town hall meetings	SCR135	-	865
Health care policies, encourage funding for families...	SCR129	-	859
Hearing aids, how to make available to children.....	HCR045	-	883
Idaho Community Foundation, honor.....	SCR127	-	857
Idaho Session Laws, printing, limited to 150 copies....	SCR148	-	872
Idaho State Police training rules rejected.....	SCR137	-	867
Idaho State Police, POST Council rule rejected.....	SCR139	-	868
Jerry Kramer, Pro Football Hall of Fame, congratulate..	HCR054	-	892
Joint Rule 16, House & Senate Chambers, use, process...	HCR040	-	879
Joint Rule 4, bill enrolled by originating house.....	SCR125	-	856
Juvenile Corrections Dept, detention rule rejected.....	HCR055	-	893
Lewis-Clark State College, honor.....	SCR126	-	856
Marilyn Tate Shuler, human/civil rights activist, honor	HCR048	-	885
Mike Nugent, Legislative Services Office, honor.....	HCR053	-	891
Mountain Standard Time Zone, Idaho's northern counties.	SCR138	-	867
National Social Work Month, March 2018.....	SCR136	-	866
Occupational licensing laws, legislative study comm....	SCR146	-	871
Organ donation awareness, support and encourage.....	HCR043	-	880
PERSI Rule Docket 59-0103-1702 rejected.....	HCR062	-	896
Pardons and Parole Com, rules rejected.....	HCR057	-	894
Pornography, epidemic, educate/prevent/research.....	HCR050	-	889
Public Defense Com, indigent defense rule rejected.....	HCR056	-	894
Public school funding formula, legislative study comm..	HCR049	-	887
Sheila Olsen, patriotic citizen, honor.....	HCR058	-	895
State employees, insurance plan, legislative study comm	HCR041	-	879
State govt agency locations, legislative study comm....	HCR051	-	890
Transportation Dept, consolidate vehicle permits.....	SCR130	-	860
Wild and Scenic Rivers Act, 50th anniversary.....	SCR132	-	862

RESTAURANTS

See also FOOD

RETIREMENT

College optional retirement program, employee benefits.	Ch.176	-	386
Firemen's retirement fund, annexing city/fire district.	Ch.178	-	392
PERSI Rule Docket 59-0103-1702 rejected.....	HCR062	-	896
PERSI, approp.....	Ch.343	-	786
PERSI, early retirement, benefit calculation.....	Ch.177	-	390
PERSI, various definitions revised.....	Ch.235	-	548
Public school employees, retirement, unused sick leave.	Ch. 91	-	195

REVENUE AND TAXATION
See TAX AND TAXATION

RIGHT-OF-WAY
See EASEMENTS

RIVERS

Columbia River Treaty, negotiations with Canada.....	HJM011	-	851
Liquor license, waterfront resort, validity.....	Ch.226	-	517
Pend Oreille/Priest Lake Com, Columbia River Basin.....	Ch. 63	-	154
Wild and Scenic Rivers Act, 50th anniversary.....	SCR132	-	862

ROADS

See HIGHWAYS

RULES

Administrative rules, continue in full force and effect	Ch.299	-	715
Agency fee rules approved.....	SCR149	-	872
Agency temporary rules approved and extended.....	SCR150	-	873
Dentistry Bd, Rule Docket 19-0101-1701 rejected.....	HCR046	-	884
F&G Dept, failure to report rule rejected.....	HCR033	-	874
H&W Dept Rule Docket 16-0308-1701 rejected.....	HCR047	-	884
Human Resources Div, rulemaking authority.....	Ch.118	-	250
Idaho State Police training rules rejected.....	SCR137	-	867
Idaho State Police, POST Council rule rejected.....	SCR139	-	868
Joint Rule 16, House & Senate Chambers, use, process...	HCR040	-	879
Joint Rule 4, bill enrolled by originating house.....	SCR125	-	856
Juvenile Corrections Dept, detention rule rejected.....	HCR055	-	893
PERSI Rule Docket 59-0103-1702 rejected.....	HCR062	-	896
Pardons and Parole Com, rules rejected.....	HCR057	-	894
Public Defense Com, indigent defense rule rejected.....	HCR056	-	894

SAFETY

Aid to person in vehicle, imminent danger, immunity....	Ch.285	-	673
Develop school safety improvements, cigarette tax.....	Ch. 94	-	201
Firearms safety education, primary & secondary schools.	Ch.250	-	580
Idaho Produce Safety Law, new.....	Ch.216	-	486
Residential building codes, local govt authority.....	Ch.338	-	769
Safety restraint, failure to wear, evidence, negligence	Ch.295	-	699
Safety restraint, use, mail carriers.....	Ch.139	-	284
School safety patrols, reporting violations, revise....	Ch. 73	-	169

SALARIES

See WAGES

SALES

Accident and sickness insurance, authorization to sell.	Ch.166	-	339
Farm equipment, supplier/dealer transactions, revised..	Ch.224	-	504
Fire Protection Districts, real property exchanges.....	Ch.188	-	413
Internet sales tax, retailer nexus, rebuttal.....	Ch.220	-	493
Unfair Sales Act, repeal.....	Ch.179	-	393

SAVINGS ACCOUNTS

College savings plans, taxable income, adjustments.....	Ch.109	-	221
---	--------	---	-----

SCHOLARSHIPS

Advanced opportunities scholarship, revise.....	Ch.100	-	209
Idaho Opportunity Scholarship, awards to adult students	Ch.245	-	570

SCHOOLS AND SCHOOL DISTRICTS

Advanced opportunities scholarship, revise.....	Ch.100	-	209
Career technical education, incentive funding mechanism	Ch. 16	-	20
Career technical education, revise terminology.....	Ch. 95	-	203
Career technical schools, funding criteria, revise.....	Ch.341	-	781
Concealed weapon carry, retired officer, college/school	Ch.195	-	437
Develop school safety improvements, cigarette tax.....	Ch. 94	-	201
Educational support program, counseling support.....	Ch.262	-	619
Governor, Office of, STEM action center, approp.....	Ch.268	-	642
High school student exempt, apprenticeships.....	Ch.199	-	446
High school, remove senior year math requirement.....	Ch.110	-	224
Idaho educ services bureau, deaf & blind, cigarette tax	Ch. 94	-	201
Primary & secondary schools, firearms safety education.	Ch.250	-	580
Public charter schools, miscellaneous revisions.....	Ch.197	-	444
Public school funding formula, legislative study comm..	HCR049	-	887
Public schools, STEM diploma, requirements.....	Ch. 60	-	150
Public schools, must offer computer science course.....	Ch.239	-	562
STEM Action Center Advisory Bd, terms/duties.....	Ch. 23	-	38
School Bd of Trustees, elections, November.....	Ch.164	-	322
School districts, wireless technology standards.....	Ch. 99	-	208
School labor negotiations, proof of representation....	Ch.219	-	492
School occupational/physical therapists, career ladder.	Ch.185	-	405
School safety patrols, reporting violations, revise....	Ch. 73	-	169
Sign language interpreter, license, school exemption..	Ch. 72	-	166
Suicide prevention in schools, training/policy.....	Ch.263	-	629
Threatening violence upon school grounds, revise.....	Ch.240	-	562

SCIENCE AND TECHNOLOGY

Office of Information Technology Services, establish...	Ch.258	-	609
Public schools, STEM diploma, requirements.....	Ch. 60	-	150
Public schools, must offer computer science course.....	Ch.239	-	562
STEM Action Center Advisory Bd, terms/duties.....	Ch. 23	-	38
STEM action center, approp.....	Ch.268	-	642
School districts, wireless technology standards.....	Ch. 99	-	208
Technology Infrastructure Stabilization Fund, establish	Ch. 58	-	145

SECRETARY OF STATE

Approp.....	Ch.313	-	738
Approp, add'l.....	Ch.328	-	759
Business entities, filing fee, statement of termination	Ch. 25	-	45
Business entities, filing format, surcharge.....	Ch. 25	-	45
Campaign finance, electronic reports, remove local govt	Ch. 2	-	6
Compensation, increase.....	Ch.269	-	643
County election records, retention requirements.....	Ch. 78	-	177
Nonprofit corporations, records, signature requirements	Ch. 28	-	52
Notaries public, applications/reappointment.....	Ch. 77	-	174
Notaries public, stamping devices, requirements added..	Ch. 77	-	174
State voter registration database, official register...	Ch. 78	-	177
Violence victims, address confidentiality program.....	Ch.112	-	227

SECURITY

Credit reporting agencies, fees for security freeze....	Ch.163	-	322
Office of Information Technology Services, establish...	Ch.258	-	609

SEEDS

Seed buyer, license, denial, criteria.....	Ch.153	-	311
--	--------	---	-----

SELF-DEFENSE

Use of deadly force, bodily harm/death, presumption.... Ch.222 - 500

SELF-GOVERNING AGENCIES

Dept, approp, building safety div..... Ch.352 - 843

Dept, approp, medical boards..... Ch.314 - 739

Dept, approp, regulatory boards..... Ch.272 - 648

Idaho State Lottery, approp..... Ch.311 - 736

SENATE

See also LEGISLATURE

Joint Publishing Comm, session laws..... Ch.236 - 555

Joint Rule 16, House & Senate Chambers, use, process... HCR040 - 879

Joint Rule 4, bill enrolled by originating house..... SCR125 - 856

SENIOR CITIZENS

Nursing home administrators, training requirements..... Ch. 88 - 193

Ombudsman for the elderly, duties revised..... Ch. 56 - 141

Ombudsman for the elderly, duty to report abuse..... Ch. 56 - 141

Skilled nursing facility assessments, medicaid payments Ch. 49 - 125

Skilled nursing facility, quality performance reporting Ch. 49 - 125

SENTENCING

DUI, evidentiary testing, ignition interlock system.... Ch.254 - 587

Judgments, court may retain jurisdiction over prisoner. Ch.125 - 264

SESSION LAWS

Printing, limited to 150 copies..... SCR148 - 872

SEX OFFENSES AND OFFENDERS

Aggravated sexual battery, felony, new crime..... Ch.322 - 751

Crime victims compensation, forensic/medical exam costs Ch.249 - 577

Sex crimes, video voyeurism, revise..... Ch.256 - 606

Sexual battery, misdemeanor, new crime..... Ch.322 - 751

SHERIFFS

Concealed weapon carry, retired officer, college/school Ch.195 - 437

Judgment debtors, execution sales, allow online auction Ch.121 - 258

Sheriff's office, remove references to department..... Ch. 93 - 199

SKIING AND SKI RESORTS

2018 Winter Olympics, Idaho athletes, congratulate.... HCR039 - 878

SMOKING

Cigarette tax, Idaho educ services bureau, deaf & blind Ch. 94 - 201

Cigarette tax, develop school safety improvements..... Ch. 94 - 201

Tobacco/drug programs, approp, millennium income fund.. Ch.304 - 729

SOCIAL SECURITY

Number, Public Records Act, disclosure..... Ch.143 - 290

SOCIAL WORK

National Social Work Month, March 2018..... SCR136 - 866

SOIL

Soil and Water Conservation Com, approp..... Ch.108 - 220

Soil and Water Conservation Com, approp, add'l..... Ch. 9 - 14

SOLAR ENERGY

Wind/Solar/Geothermal producer, tax allotment notice... Ch. 31 - 57

SOLID WASTES

See WASTES

SPEECH

Governor, Office of, State of the State address..... HCR030 - 874

SPEECH AND HEARING SERVICES

Sign language interpreter, license, reduce age to 18... Ch. 72 - 166

Sign language interpreter, license, school exemption... Ch. 72 - 166

SPEED LIMITS

Controlled-access highways, vehicles in left lane..... Ch.130 - 277

SPORTS

See ATHLETICS

STAMPS

Notaries public, stamping devices, requirements added.. Ch. 77 - 174

STATE AGENCIES

See GOVERNMENT

STATE APPELLATE PUBLIC DEFENDER

Approp..... Ch.104 - 216

STATEHOUSE

See CAPITOL

STATUES

See MONUMENTS

STATUTES

See CODES

STREAMS

Wild and Scenic Rivers Act, 50th anniversary..... SCR132 - 862

STUDENTS

Advanced opportunities scholarship, revise..... Ch.100 - 209

Career technical education, incentive funding mechanism Ch. 16 - 20

College savings plans, taxable income, adjustments..... Ch.109 - 221

College, notification to register as organ donor..... Ch. 97 - 206

Develop school safety improvements, cigarette tax..... Ch. 94 - 201

Educational support program, counseling support..... Ch.262 - 619

Election board, appointing student members, age 16..... Ch.154 - 311

High school student exempt, apprenticeships..... Ch.199 - 446

High school, remove senior year math requirement..... Ch.110 - 224

Higher education students, worker's comp coverage..... Ch. 39 - 99

Idaho Opportunity Scholarship, awards to adult students Ch.245 - 570

Idaho educ services bureau, deaf & blind, cigarette tax Ch. 94 - 201

Medical residency programs, donations, tax credit..... Ch. 33 - 61

Postsecondary institutions, course credits, transfer... Ch. 96 - 204

Primary & secondary schools, firearms safety education. Ch.250 - 580

Public schools, STEM diploma, requirements..... Ch. 60 - 150

Public schools, must offer computer science course..... Ch.239 - 562

Residency requirements for public higher education..... Ch.200 - 451

Rural physician incentive fund, state contribution..... Ch.138 - 284

STEM Action Center Advisory Bd, terms/duties..... Ch. 23 - 38

Suicide prevention in schools, training/policy..... Ch.263 - 629

Threatening violence upon school grounds, revise..... Ch.240 - 562

STUDIES

Campaign finance reform, legislative study comm.....	SCR143	-	870
Commercial/farm vehicles, fees, legislative study comm.	SCR134	-	864
Occupational licensing laws, legislative study comm....	SCR146	-	871
Public school funding formula, legislative study comm..	HCR049	-	887
State employees, insurance plan, legislative study comm	HCR041	-	879
State govt agency locations, legislative study comm....	HCR051	-	890

SUBSTANCE ABUSE

Approp, Governor, Office of, drug policy.....	Ch.140	-	286
Behavioral Health Bd, members.....	Ch. 34	-	64
Behavioral Health Planning Council, members.....	Ch. 34	-	64
Behavioral health services, definitions added.....	Ch. 34	-	64
DUI, evidentiary testing, ignition interlock system....	Ch.254	-	587
Tobacco/drug programs, approp, millennium income fund..	Ch.304	-	729

SUICIDE

Suicide prevention in schools, training/policy.....	Ch.263	-	629
---	--------	---	-----

SUPERINTENDENT OF PUBLIC INSTRUCTION

See also EDUCATION

Approp.....	Ch.241	-	563
Approp, add'l.....	Ch.328	-	759
Compensation, increase.....	Ch.269	-	643

SUPREME COURT

See COURTS

TAX AND TAXATION

Com, employees, nationwide background checks.....	Ch. 68	-	163
Com, notice, credit adjusted, out-of-state tax.....	Ch. 6	-	11
Cooperative electrical assn, tax allotment notice.....	Ch. 31	-	57
Cooperative natural gas assn, tax allotment notice.....	Ch. 31	-	57
Forestry production taxes, require rulemaking.....	Ch. 83	-	186
Forestry production taxes, revert to 2016 status.....	Ch. 83	-	186
Fuels tax, distributor definition revised.....	Ch. 80	-	179
Gas tax refund, timing, no income tax return.....	Ch. 81	-	183
Gaseous special fuels bulk tanks, taxation.....	Ch. 80	-	179
Internal Revenue Code, update reference.....	Ch.198	-	445
Skilled nursing facility assessments, medicaid payments	Ch. 49	-	125
Tax Appeals Bd, approp.....	Ch.133	-	279
Tax Com, approp.....	Ch.336	-	765
Tax Com, assessment errors, correct/report, date.....	Ch. 30	-	54
Tax Com, members, compensation, increase.....	Ch.336	-	765
Unemployment insurance taxes, taxable wage rate reduced	Ch. 1	-	3
Wind/Solar/Geothermal producer, tax allotment notice..	Ch. 31	-	57

TAX AND TAXATION, INCOME

Adjustments, college savings plans.....	Ch.109	-	221
Adjustments, corporations.....	Ch. 3	-	7
Adjustments, tax credits/loss carryovers, use.....	Ch. 7	-	12
Charitable contributions, deductions, code reference...	Ch. 5	-	11
Child tax credit, \$130 for each qualifying child.....	Ch. 46	-	111
Child tax credit, \$205 for each qualifying child.....	Ch.351	-	842
Cigarette/tobacco taxes, collection and enforcement....	Ch. 48	-	124
Credit, donations to medical residency programs.....	Ch. 33	-	61
Deduction, capital gains, partnership real property....	Ch.186	-	409
Deduction, increase, adoption expenses.....	Ch.206	-	459

Gas tax refund, timing, no income tax return.....	Ch. 81 -	183
Incentive income tax investment credit, repeal.....	Ch.160 -	318
Income tax rates, individuals and corporations, reduce.	Ch. 46 -	111
Internal Revenue Code, update reference.....	Ch.198 -	445
Tax Com, notice, credit adjusted, out-of-state tax.....	Ch. 6 -	11
TAX AND TAXATION, PROPERTY		
Bond elections, ballot disclosure statements, revise...	Ch.261 -	618
Delinquent property taxes, payment, oldest.....	Ch. 70 -	165
Disabled veteran, property tax reduction.....	Ch.183 -	401
Exemption, agricultural machinery/equipment.....	Ch.297 -	702
Exemption, hop crops production machinery/equipment....	Ch.297 -	702
Exemption, new capital investments, revise.....	Ch.151 -	309
Property tax administration, abstracts, certified mail.	Ch. 29 -	53
Supplemental and missed property taxes, interest.....	Ch. 69 -	164
Tax Com, assessment errors, correct/report, date.....	Ch. 30 -	54
Tax exempt property, new construction, refund of taxes	Ch.194 -	430
TAX AND TAXATION, SALES AND USE		
Cigarette tax, Idaho educ services bureau, deaf & blind	Ch. 94 -	201
Cigarette tax, develop school safety improvements.....	Ch. 94 -	201
Exemption, Idaho Assn of Free and Charitable Clinics...	Ch.111 -	224
Exemption, facilities used by U.S. for research at INL.	Ch.152 -	310
Internet sales tax, retailer nexus, rebuttal.....	Ch.220 -	493
TEACHING AND TEACHERS		
Career technical education, incentive funding mechanism	Ch. 16 -	20
College optional retirement program, employee benefits.	Ch.176 -	386
Educational support program, counseling support.....	Ch.262 -	619
Public school employees, retirement, unused sick leave.	Ch. 91 -	195
School labor negotiations, proof of representation....	Ch.219 -	492
Suicide prevention in schools, training/policy.....	Ch.263 -	629
TELECOMMUNICATIONS		
Domestic violence victims, wireless phone service.....	Ch.227 -	518
Office of Information Technology Services, establish...	Ch.258 -	609
TELEVISION		
Idaho public television, approp.....	Ch.131 -	278
TENANTS		
See LANDLORDS AND TENANTS		
THERAPISTS AND THERAPY		
Marriage and family therapists, licensure requirements.	Ch. 59 -	146
Physical therapists, may perform dry needling.....	Ch.204 -	455
School occupational/physical therapists, career ladder.	Ch.185 -	405
TIME		
Mountain Standard Time Zone, Idaho's northern counties.	SCR138 -	867
TITLE INSURANCE		
Title insurance companies, premiums/escrow, reimburse..	Ch.213 -	481
TOBACCO		
Cigarette tax, Idaho educ services bureau, deaf & blind	Ch. 94 -	201
Cigarette tax, develop school safety improvements.....	Ch. 94 -	201
Cigarette/tobacco taxes, collection and enforcement....	Ch. 48 -	124
Tobacco/drug programs, approp, millennium income fund..	Ch.304 -	729

TRADE

Unfair Sales Act, repeal..... Ch.179 - 393

TRANSPORTATION

Commercial motor vehicles, revise federal regulations.. HJM012 - 853
 Commercial/farm vehicles, fees, legislative study comm. SCR134 - 864
 Controlled-access highways, vehicles in left lane..... Ch.130 - 277
 DUI, evidentiary testing, ignition interlock system.... Ch.254 - 587
 Dept, approp..... Ch.345 - 790
 Dept, approp, add'l..... Ch. 8 - 13
 Dept, approp, capital facilities program..... Ch.102 - 214
 Dept, consolidate commercial motor vehicle permits..... SCR130 - 860
 Disabled veteran, no license plate fee..... Ch. 43 - 107
 Disabled veteran, no vehicle registration fee..... Ch. 43 - 107
 Driver's license, Class D and motorcycle, fee, increase Ch.113 - 230
 Emergency vehicle approach, right side of highway..... Ch. 74 - 169
 License plates, special, Rotary International, new..... Ch.253 - 583
 Livestock/agriculture haulers, electronic log exemption SJM104 - 848
 Military vehicles, operation on public highways..... Ch.237 - 556
 Motor vehicles, parking restrictions, booting..... Ch.324 - 754
 Purple Heart recipient, no license plate fee..... Ch. 43 - 107
 Purple Heart recipient, no vehicle registration fee... Ch. 43 - 107
 Safety restraint, use, mail carriers..... Ch.139 - 284
 Vehicle permits, digital format, overweight loads..... Ch. 26 - 47
 Vehicle towing/removal/storage, notice..... Ch.212 - 480

TREASURER, STATE

Approp..... Ch.303 - 727
 Approp, add'l..... Ch.328 - 759
 Compensation, increase..... Ch.269 - 643
 Credit Rating Enhancement Comm, reports due December 1. Ch. 85 - 190
 State funds, invest in corporations domiciled in U.S... Ch. 86 - 190

TRESPASSING

Property trespass, civil and criminal, revise..... Ch.350 - 824

UNEMPLOYMENT

See EMPLOYMENT SECURITY LAW

UNFAIR COMPETITION

Covenants not to compete, irreparable harm presumption. Ch.349 - 823
 Unfair Sales Act, repeal..... Ch.179 - 393

UNIONS

See LABOR

UNIVERSITIES

See COLLEGES AND UNIVERSITIES

UNIVERSITY OF IDAHO

See COLLEGES AND UNIVERSITIES

UTILITIES

Public Utilities Com, approp..... Ch.174 - 384

VACCINATION

Immunization Assessment Bd, increase members..... Ch. 32 - 59
 Immunization assessments, extend program to 2024..... Ch. 32 - 59
 Immunization assessments, nonpayment by carrier..... Ch. 32 - 59

VEHICLES

See MOTOR VEHICLES

VETERANS

Disabled veteran, no license plate fee.....	Ch. 43 -	107
Disabled veteran, no vehicle registration fee.....	Ch. 43 -	107
Disabled veteran, property tax reduction.....	Ch.183 -	401
Purple Heart recipient, no license plate fee.....	Ch. 43 -	107
Purple Heart recipient, no vehicle registration fee...	Ch. 43 -	107
State veterans cemeteries, technical corrections.....	Ch. 66 -	156
Veterans Services Div, approp.....	Ch.105 -	217
Veterans nursing homes, nursing facility adjustments...	Ch. 49 -	125

VETERINARY MEDICINE

Legend drugs, possession, veterinary drug outlets.....	Ch. 37 -	76
--	----------	----

VICTIMS

Crime victims compensation, forensic/medical exam costs	Ch.249 -	577
Domestic violence victims, wireless phone service.....	Ch.227 -	518
Forcible penetration by foreign object.....	Ch.323 -	753
Juvenile Corrections Dept, release of juvenile, notice.	Ch.157 -	314
Self-defense, use of deadly force, presumption.....	Ch.222 -	500
Sex crimes, video voyeurism, revise.....	Ch.256 -	606
Violence victims, address confidentiality program.....	Ch.112 -	227

VIDEOS

Law enforcement, media recordings, retention.....	Ch.184 -	403
---	----------	-----

VISUALLY IMPAIRED

See BLIND

VOCATIONAL REHABILITATION

Div, approp.....	Ch.346 -	793
------------------	----------	-----

VOLUNTEERS

Health screenings, charitable, provider immunity.....	Ch. 38 -	97
---	----------	----

VOTING AND VOTERS

19th Amendment, encourage preparation for centennial...	SCR128 -	858
Bond elections, ballot disclosure statements, revise...	Ch.261 -	618
Cemetery Maintenance Districts, consolidation/elections	Ch.196 -	440
City and county initiative/referendum procedures.....	Ch.238 -	557
County election records, retention requirements.....	Ch. 78 -	177
Early voting procedures, ballot security measures.....	Ch.155 -	312
Election board, appointing student members, age 16.....	Ch.154 -	311
Public Integrity in Elections Act, new.....	Ch.260 -	616
School Bd of Trustees, elections, November.....	Ch.164 -	322
State voter registration database, official register...	Ch. 78 -	177
Water Dist, annual meetings, absentee/proxy voting.....	Ch. 40 -	100

WAGES

Acupuncture Bd, members, compensation, increase.....	Ch. 57 -	144
Bd of Architectural Examiners, compensation, increase..	Ch.129 -	270
Dentistry Bd, members, compensation, increase.....	Ch. 55 -	141
Drainage Districts, com'rs, compensation, revise.....	Ch. 92 -	197
Fire Protection Districts, com'rs, compensation.....	Ch. 18 -	30
Jurors, compensation, lengthy trial, \$50 per day.....	Ch.257 -	608
Jurors, compensation, lengthy trial, reimburse county..	Ch.257 -	608
Justices and judges, compensation, increase.....	Ch.255 -	605

Minimum wage laws, exception, children, family business	Ch.251 -	581
Public Records Act, other compensation, disclosure.....	Ch.143 -	290
State constitutional officers, compensation increases..	Ch.269 -	643
State executive dept employees, recruitment bonuses....	Ch.117 -	247
Tax Com, members, compensation, increase.....	Ch.336 -	765
Unemployment insurance taxes, taxable wage rate reduced	Ch. 1 -	3
WASTES		
Poultry operations, pollutant discharge program.....	Ch. 22 -	34
WATER		
Columbia River Treaty, negotiations with Canada.....	HJM011 -	851
Drainage Districts, assessment for payment of bonds....	Ch. 92 -	197
Flood Control District Bd, removal and replacement....	Ch.193 -	429
Ground, management plan, no time priority basis.....	Ch. 41 -	103
Irrigation/water districts, subdivision proposal notice	Ch.246 -	572
Liquor license, waterfront resort, validity.....	Ch.226 -	517
Pend Oreille/Priest Lake Com, Columbia River Basin....	Ch. 63 -	154
Petroleum Clean Water Trust Fund Bd, membership.....	Ch. 21 -	33
Poultry operations, pollutant discharge program.....	Ch. 22 -	34
Priest Lake, dam management, Idaho Water Resource Bd..	Ch. 62 -	153
Priest Lake, water surface level, 3.0 and 3.5 feet....	Ch. 62 -	153
Soil and Water Conservation Com, approp.....	Ch.108 -	220
Soil and Water Conservation Com, approp, add'l.....	Ch. 9 -	14
Stockwater rights, additional legislative intent.....	Ch.320 -	747
Stockwater rights, appurtenance to the base property..	Ch.146 -	303
Stockwater rights, federal agency, forfeiture.....	Ch.320 -	747
Water Dist, annual meetings, absentee/proxy voting....	Ch. 40 -	100
Wild and Scenic Rivers Act, 50th anniversary.....	SCR132 -	862
WATER RESOURCES DEPARTMENT		
Approp.....	Ch.242 -	564
Approp, flood management.....	Ch.315 -	740
Filing fees, change point of diversion/place of use....	Ch. 42 -	104
Flood Control District Bd, removal and replacement....	Ch.193 -	429
Ground water management plan, no time priority basis..	Ch. 41 -	103
Idaho Water Resource Bd, Priest Lake, dam management..	Ch. 62 -	153
Priest Lake, water surface level, 3.0 and 3.5 feet....	Ch. 62 -	153
Stockwater rights, additional legislative intent.....	Ch.320 -	747
Stockwater rights, appurtenance to the base property..	Ch.146 -	303
Stockwater rights, federal agency, forfeiture.....	Ch.320 -	747
WEAPONS		
Concealed weapon carry, retired officer, college/school	Ch.195 -	437
Concealed weapons, instruction course, Idaho state bar.	Ch.171 -	379
Firearms safety education, primary & secondary schools.	Ch.250 -	580
Threatening violence upon school grounds, revise.....	Ch.240 -	562
WELFARE		
See PUBLIC ASSISTANCE		
WILDERNESS		
Federal wilderness designations, requirements.....	HJM014 -	854
Idaho Roadless Rule Implementation Com, establish.....	Ch. 27 -	51
Wild and Scenic Rivers Act, 50th anniversary.....	SCR132 -	862
WILDLIFE		
See also ANIMALS		
F&G Com, wildlife management tools, wolf collaring....	Ch.147 -	305

Idaho Roadless Rule Implementation Com, establish.....	Ch. 27 -	51
Unintentionally killed on roadways, dispatch/salvage...	Ch. 75 -	170
Wolf Control Fund, approp.....	Ch.309 -	732
Wolf control assessments, extend sunset provisions.....	Ch.217 -	489

WINE

See LIQUOR

WOLVES

See WILDLIFE

WOMEN

19th Amendment, encourage preparation for centennial...	SCR128 -	858
Abortion Complications Reporting Act, new.....	Ch.225 -	509
Abortion, chemical, additional information to patient..	Ch.159 -	315
Cytomegalovirus awareness month, June.....	SCR131 -	861

WORKERS COMPENSATION

Worker's comp coverage, higher education students.....	Ch. 39 -	99
--	----------	----

ZONING

See PLANNING AND ZONING

CODE INDEX

TABLE OF AMENDMENTS, REPEALS, ADDITIONS AND REFERENCES

Code citation, action, session law chapter number, and page number are shown for bills which passed

TITLE 1			
1-2004	Referred to	Ch.267 -	642
1-2218	Amended	Ch.264 -	630
1-2218	Repealed	Ch.264 -	637
1-2303	Amended	Ch.126 -	265
TITLE 2			
2-215	Amended	Ch.257 -	608
2-220	Amended	Ch.257 -	608
2-222	New Section Added	Ch.257 -	608
TITLE 5			
5-215	Referred to	Ch.284 -	672
5-330	Amended	Ch.218 -	491
5-344	New Section Added	Ch.285 -	673
TITLE 6			
6-202	Amended	Ch.350 -	825
6-202A	Repealed	Ch.350 -	828
6-310	Amended	Ch.124 -	263
6-1608	Repealed	Ch.295 -	699
6-3101	New Section Added	Ch.350 -	828
6-3102	New Section Added	Ch.350 -	828
6-3103	New Section Added	Ch.350 -	828
TITLE 7			
7-1503	Amended	Ch.244 -	567
TITLE 10			
10-1111	Amended	Ch.284 -	672
TITLE 11			
11-304	Amended	Ch.121 -	258
TITLE 12			
12-117	Amended	Ch.348 -	796
12-117	Referred to	Ch.216 -	488
12-120	Amended	Ch.244 -	568
TITLE 16			
16-1601	Amended	Ch.287 -	675
16-1605	Amended	Ch.287 -	676
16-1619	Amended	Ch.287 -	677
16-1622	Amended	Ch.287 -	679
16-1629	Amended	Ch.287 -	683
16-1647	New Section Added	Ch.287 -	686
TITLE 18			
Title 18	Referred to	Ch.222 -	502
18-101A	Amended	Ch.254 -	603
18-502	Referred to	Ch.225 -	510
18-604	Referred to	Ch.225 -	512
18-609	Amended	Ch.159 -	315

18-907	Referred to	Ch.322	-	751
18-918	Amended	Ch.123	-	260
18-918	Referred to	Ch.112	-	228
18-923	Amended	Ch.123	-	262
18-924	New Section Added	Ch.322	-	751
18-925	New Section Added	Ch.322	-	751
18-1502	Referred to	Ch.298	-	703
18-1506	Referred to	Ch.112	-	228
18-1508	Referred to	Ch.112	-	228
18-1508A	Referred to	Ch.112	-	228
18-1810	Referred to	Ch.189	-	415
18-2505	Referred to	Ch.158	-	315
18-2506	Referred to	Ch.158	-	315
18-3302C	Amended	Ch.195	-	438
18-3302D	Amended	Ch.195	-	438
18-3302H	Referred to	Ch.195	-	438
18-3302I	Amended	Ch.240	-	562
18-3302K	Amended	Ch.171	-	379
18-3309	Amended	Ch.195	-	437
18-4009	Amended	Ch.222	-	500
18-4010	Repealed	Ch.222	-	501
18-4101	Amended	Ch.181	-	395
18-4116	Amended	Ch.181	-	397
18-6101	Referred to	Ch.112	-	228
18-6608	Amended	Ch.323	-	753
18-6609	Amended	Ch.256	-	606
18-7008	New Section Added	Ch.350	-	828
18-7008	Repealed	Ch.350	-	828
18-7011	Repealed	Ch.350	-	832
18-7044	New Section Added	Ch.285	-	673
18-7902	Referred to	Ch.112	-	228
18-7905	Referred to	Ch.112	-	228
18-7906	Referred to	Ch.112	-	228
18-8001	Amended	Ch.298	-	703
18-8002	Amended	Ch.254	-	587
18-8002A	Amended	Ch.254	-	591
18-8005	Amended	Ch.254	-	597
18-8008	Amended	Ch.254	-	601
18-8008	Referred to	Ch.189	-	415
18-8008A	New Section Added	Ch.254	-	602
18-8010	Amended	Ch.254	-	603
18-8304	Amended	Ch.322	-	751
18-8602	Referred to	Ch.112	-	228
TITLE 19				
19-201A	New Section Added	Ch.222	-	501
19-202	Amended	Ch.222	-	501
19-202A	Amended	Ch.222	-	502
19-849	Amended	Ch.161	-	318
19-850	Amended	Ch.162	-	319
19-851	Referred to	Ch.248	-	576
19-854	Referred to	Ch.189	-	415
19-862A	Referred to	Ch.248	-	576
19-2601	Amended	Ch.125	-	264
19-2601	Referred to	Ch.189	-	415
19-2604	Referred to	Ch.286	-	675

19-4705	Amended	Ch. 350	-	832
19-5116	Referred to	Ch. 264	-	633
19-5302	Amended	Ch. 189	-	415
19-5304	Referred to	Ch. 189	-	415
19-5701	Amended	Ch. 112	-	227
19-5702	Amended	Ch. 112	-	227
19-5703	Amended	Ch. 112	-	228
19-5705	Amended	Ch. 112	-	229
TITLE 20				
20-104	Amended	Ch. 243	-	567
20-237A	Amended	Ch. 122	-	259
20-237B	Amended	Ch. 321	-	749
20-532A	Amended	Ch. 158	-	315
20-533	Amended	Ch. 157	-	314
TITLE 21				
21-142	Amended	Ch. 169	-	344
21-148	Amended	Ch. 169	-	345
TITLE 22				
22-113	Amended	Ch. 216	-	486
22-2302	Referred to	Ch. 297	-	702
22-5117	Amended	Ch. 153	-	311
22-5307	Amended	Ch. 217	-	489
22-5401	New Section Added	Ch. 216	-	487
22-5402	New Section Added	Ch. 216	-	487
22-5403	New Section Added	Ch. 216	-	487
22-5404	New Section Added	Ch. 216	-	487
22-5405	New Section Added	Ch. 216	-	487
22-5406	New Section Added	Ch. 216	-	488
22-5407	New Section Added	Ch. 216	-	488
TITLE 23				
23-404	Amended	Ch. 87	-	191
23-404	Amended	Ch. 264	-	630
23-948	Amended	Ch. 226	-	517
TITLE 25				
25-131	Amended	Ch. 82	-	185
25-131	Amended	Ch. 217	-	489
25-1145	Amended	Ch. 217	-	490
25-4011	Amended	Ch. 22	-	35
25-4012	Amended	Ch. 22	-	35
25-4015	New Section Added	Ch. 22	-	36
TITLE 26				
26-2113	New Section Added	Ch. 165	-	329
26-2113	Repealed	Ch. 165	-	329
26-2113A	New Section Added	Ch. 165	-	329
26-2113B	New Section Added	Ch. 165	-	329
26-2114	New Section Added	Ch. 165	-	330
26-2114	Repealed	Ch. 165	-	330
26-2114A	New Section Added	Ch. 165	-	332
26-2114B	New Section Added	Ch. 165	-	332
26-2115	New Section Added	Ch. 165	-	333
26-2115	Repealed	Ch. 165	-	333
26-2116	New Section Added	Ch. 165	-	333
26-2116	Repealed	Ch. 165	-	333
26-2118	New Section Added	Ch. 165	-	334
26-2118	Repealed	Ch. 165	-	334

26-2121	New Section Added	Ch.165	-	334
26-2121	Repealed	Ch.165	-	334
26-2121A	New Section Added	Ch.165	-	335
26-2121B	New Section Added	Ch.165	-	336
26-2121C	New Section Added	Ch.165	-	336
26-2121D	New Section Added	Ch.165	-	337
26-2132	Referred to	Ch.165	-	331
26-2156	New Section Added	Ch.165	-	337
TITLE 27				
27-106	Referred to	Ch.196	-	443
27-110	Amended	Ch.196	-	440
27-111	Amended	Ch.196	-	440
27-121	Amended	Ch.196	-	441
27-125	Amended	Ch.196	-	442
27-126	Amended	Ch.196	-	442
27-129	New Section Added	Ch.196	-	442
TITLE 28				
28-24-103	Amended	Ch.224	-	504
28-24-104	Amended	Ch.224	-	506
28-52-106	Amended	Ch.163	-	322
TITLE 29				
29-110	Referred to	Ch.215	-	485
TITLE 30				
30-21-214	Amended	Ch. 25	-	45
30-30-102	Amended	Ch. 28	-	52
30-30-202	Amended	Ch. 28	-	52
TITLE 31				
Ch.7	Referred to	Ch.338	-	771
31-715	Referred to	Ch.238	-	560
31-717	Repealed	Ch.238	-	559
31-830	Amended	Ch. 93	-	199
31-871	Amended	Ch.184	-	403
31-1409	Amended	Ch.168	-	342
31-1418	Repealed	Ch.168	-	343
31-1420	Amended	Ch.188	-	413
31-1421	Amended	Ch. 18	-	30
31-1427	Amended	Ch. 19	-	31
31-2603	Referred to	Ch.260	-	618
31-3201	Amended	Ch.298	-	708
31-3201	Referred to	Ch.189	-	415
31-3201A	Amended	Ch.264	-	632
31-3201A	Amended	Ch.298	-	708
31-3201A	Referred to	Ch.189	-	414
31-3201B	Referred to	Ch.189	-	415
31-3201C	Referred to	Ch.189	-	415
31-3201D	Referred to	Ch.189	-	415
31-3201E	Referred to	Ch.189	-	415
31-3201F	Referred to	Ch.189	-	415
31-3201H	Amended	Ch.298	-	713
31-3201H	Referred to	Ch.189	-	415
31-3201I	New Section Added	Ch.189	-	414
31-3204	Amended	Ch.298	-	713
31-3204	Referred to	Ch.189	-	415
31-3205	Amended	Ch.187	-	411
31-3805	Referred to	Ch.246	-	573

31-4602	Amended	Ch. 93 -	200
31-5004	Amended	Ch. 238 -	561
TITLE 32			
32-1410	Referred to	Ch. 189 -	415
TITLE 33			
33-107A	Amended	Ch. 176 -	386
33-107B	Amended	Ch. 17 -	22
33-107B	Amended	Ch. 176 -	388
33-136	New Section Added	Ch. 263 -	629
33-320	Referred to	Ch. 230 -	541
33-501	Amended	Ch. 164 -	323
33-503	Amended	Ch. 164 -	323
33-505	Amended	Ch. 164 -	324
33-506	Amended	Ch. 164 -	325
33-510	Amended	Ch. 164 -	325
33-512B	Referred to	Ch. 263 -	629
33-512C	Amended	Ch. 110 -	224
33-523	New Section Added	Ch. 60 -	150
33-801	Amended	Ch. 164 -	325
33-906	Referred to	Ch. 232 -	544
33-1002	Amended	Ch. 169 -	346
33-1002	Amended	Ch. 262 -	620
33-1002	Amended	Ch. 262 -	624
	(as amended by Sec. 3, Ch. 270, Laws of 2017)		
33-1002G	Amended	Ch. 341 -	781
33-1003	Amended	Ch. 164 -	326
33-1004B	Amended	Ch. 169 -	350
33-1004B	Amended	Ch. 169 -	354
	(as amended by Sec. 2, Ch. 352, Laws of 2016)		
33-1004B	Amended	Ch. 185 -	405
33-1004E	Amended	Ch. 229 -	538
33-1004E	Amended	Ch. 283 -	669
33-1018	Referred to	Ch. 233 -	546
33-1025	Amended	Ch. 99 -	208
33-1212A	Referred to	Ch. 262 -	619
33-1228	Amended	Ch. 91 -	195
33-1271	Amended	Ch. 219 -	492
33-1272	Referred to	Ch. 219 -	492
Ch. 13	Referred to	Ch. 72 -	167
33-1513	Amended	Ch. 169 -	355
Ch. 16	Referred to	Ch. 231 -	543
33-1617	Referred to	Ch. 231 -	542
33-1628	New Section Added	Ch. 250 -	580
33-1634	New Section Added	Ch. 16 -	20
33-1634	New Section Added	Ch. 16 -	21
33-1634	New Section Added	Ch. 239 -	562
33-2102	Amended	Ch. 96 -	204
33-2202	Amended	Ch. 95 -	203
33-2205	Amended	Ch. 96 -	204
33-2208	Repealed	Ch. 17 -	24
33-2209	Repealed	Ch. 17 -	24
33-2210	Repealed	Ch. 17 -	24
33-2211	Amended	Ch. 17 -	24
33-2212	Repealed	Ch. 17 -	25
33-2402	Referred to	Ch. 200 -	452

33-3717B	Amended	Ch.200 -	451
33-3723	Amended	Ch.138 -	284
33-3726	Amended	Ch. 17 -	25
33-3728	New Section Added	Ch. 96 -	205
33-3728	New Section Added	Ch. 97 -	206
33-4303	Amended	Ch.245 -	570
33-4303	Referred to	Ch.279 -	663
33-4601	Amended	Ch.100 -	209
33-4602	Amended	Ch.100 -	210
33-5401	Amended	Ch. 46 -	117
Ch.55	Referred to	Ch.231 -	542
TITLE 34			
34-106	Amended	Ch.238 -	557
34-106	Referred to	Ch.196 -	443
34-217	Amended	Ch. 78 -	177
34-303	Amended	Ch.154 -	311
34-416	Amended	Ch. 78 -	178
34-439	Amended	Ch.261 -	618
34-439	Referred to	Ch.260 -	618
34-439A	Referred to	Ch.260 -	618
34-1013	Amended	Ch.155 -	312
34-1406	Referred to	Ch. 19 -	32
34-1406	Referred to	Ch.260 -	618
Ch.18	Referred to	Ch.169 -	368
34-1801B	Amended	Ch.238 -	558
34-1801C	New Section Added	Ch.238 -	560
34-1802	Referred to	Ch.238 -	560
34-1804	Referred to	Ch.238 -	560
34-1805	Referred to	Ch.238 -	560
34-1807	Referred to	Ch.238 -	560
34-1809	Referred to	Ch.238 -	560
34-1812A thru			
34-1812C	Referred to	Ch.238 -	560
34-1813	Referred to	Ch.238 -	561
TITLE 36			
36-125	Amended	Ch.217 -	491
36-201	Amended	Ch.147 -	305
36-301	Amended	Ch. 4 -	10
36-406	Amended	Ch. 50 -	127
36-506	New Section Added	Ch. 75 -	170
36-1101	Referred to	Ch.189 -	415
36-1108	Amended	Ch.350 -	839
36-1402	Amended	Ch.350 -	834
36-1405	Referred to	Ch.189 -	415
36-1602	Repealed	Ch.350 -	836
36-1603	Amended	Ch.350 -	836
36-1604	Amended	Ch. 50 -	130
36-1604	Amended	Ch.350 -	838
36-2113	Amended	Ch.348 -	797
TITLE 37			
Ch.1	Referred to	Ch.216 -	488
Ch.27	Referred to	Ch. 37 -	84
37-2732	Referred to	Ch.265 -	637
37-2732C	Referred to	Ch.265 -	637
37-2734A	Referred to	Ch.265 -	637

37-2739C	New Section Added	Ch.265	-	637
37-2705	Amended	Ch. 36	-	68
37-2714	Repealed	Ch. 36	-	73
37-2721	Repealed	Ch. 36	-	73
37-2722	Amended	Ch. 36	-	73
37-2723	Repealed	Ch. 36	-	74
37-2724	Repealed	Ch. 36	-	74
37-2725	Amended	Ch. 36	-	74
37-2726	Amended	Ch. 10	-	14
37-2727	Amended	Ch. 36	-	74
37-2731	Amended	Ch. 36	-	75
37-2732	Referred to	Ch.189	-	415
37-2732	Referred to	Ch.221	-	494
37-2732B	Referred to	Ch.221	-	494
37-2732C	Referred to	Ch.189	-	415
37-2734	Amended	Ch. 36	-	75
37-2735A	Referred to	Ch.189	-	415
37-2737A	Referred to	Ch.221	-	494
37-2744	Amended	Ch.221	-	494
37-3201	Amended	Ch. 37	-	96
37-3201	Repealed	Ch.259	-	616
37-3202	Repealed	Ch.259	-	616
37-3203	Repealed	Ch.259	-	616
37-3204	Repealed	Ch.259	-	616
37-3205	Repealed	Ch.259	-	616
TITLE 38				
38-131	Referred to	Ch.278	-	662
38-131A	Referred to	Ch.278	-	662
TITLE 39				
Title 39	Referred to	Ch. 22	-	36
Ch.1	Referred to	Ch. 22	-	35
39-105	Amended	Ch.169	-	356
39-113	Amended	Ch.169	-	358
39-175B	Amended	Ch. 22	-	36
39-175C	Amended	Ch. 22	-	37
39-175F	New Section Added	Ch. 22	-	37
39-255	Referred to	Ch.169	-	359
39-408	Referred to	Ch.287	-	686
39-411	Amended	Ch.296	-	700
39-411	Referred to	Ch.319	-	746
39-411	Referred to	Ch.342	-	786
39-425	Referred to	Ch.319	-	746
39-425	Referred to	Ch.342	-	786
39-909	Amended	Ch.169	-	359
Ch.13	Referred to	Ch.225	-	511
39-1392a	Amended	Ch.145	-	300
39-1392e	Amended	Ch.145	-	301
39-3122	Amended	Ch. 34	-	64
39-3125	Amended	Ch. 34	-	65
39-3134	Amended	Ch. 34	-	65
39-3404	Amended	Ch.191	-	417
39-3630	Referred to	Ch.293	-	696
39-4109	Amended	Ch.338	-	769
39-4116	Amended	Ch.338	-	770
39-5303	Amended	Ch. 56	-	141

39-6002	Referred to	Ch.169 -	359
39-6004	Amended	Ch.169 -	359
39-6303	Referred to	Ch.287 -	679
39-6312	Referred to	Ch.189 -	415
39-6318	New Section Added	Ch.227 -	518
39-7702	Amended	Ch. 38 -	97
39-7703	Amended	Ch. 38 -	98
39-7704	Amended	Ch. 38 -	98
39-8503	Amended	Ch. 63 -	154
39-8504	Amended	Ch. 63 -	155
Ch.93	Referred to	Ch. 37 -	80
Ch.95	Referred to	Ch.225 -	514
39-9501	New Section Added	Ch.225 -	509
39-9502	New Section Added	Ch.225 -	509
39-9503	New Section Added	Ch.225 -	510
39-9504	New Section Added	Ch.225 -	511
39-9505	New Section Added	Ch.225 -	513
39-9506	New Section Added	Ch.225 -	513
39-9507	New Section Added	Ch.225 -	513
39-9508	New Section Added	Ch.225 -	513
39-9509	New Section Added	Ch.225 -	514
TITLE 41			
Title 41	Referred to	Ch.116 -	241
41-114A	Amended	Ch.116 -	247
Ch.2	Referred to	Ch.116 -	246
41-210 thru			
41-215	Referred to	Ch.116 -	246
41-220 thru			
41-223	Referred to	Ch.116 -	246
41-225	Referred to	Ch.116 -	246
41-227	Referred to	Ch.116 -	246
41-229 thru			
41-240	Referred to	Ch.116 -	246
41-247	Referred to	Ch.116 -	246
Ch.3	Referred to	Ch.166 -	340
41-306	Amended	Ch.166 -	339
41-306A	New Section Added	Ch.166 -	340
41-333	Referred to	Ch.166 -	340
41-402	Referred to	Ch.166 -	340
41-516	New Section Added	Ch.166 -	341
Ch.12	Referred to	Ch.116 -	243
Ch.12	Referred to	Ch.166 -	339
41-1315A	Amended	Ch.213 -	481
41-1850	Amended	Ch.214 -	483
41-1852	New Section Added	Ch.167 -	341
Ch.27	Referred to	Ch.213 -	481
41-2708	Amended	Ch.213 -	482
41-3434	Amended	Ch.169 -	359
Ch.36	Referred to	Ch.116 -	246
41-3605	Referred to	Ch.116 -	246
41-3608	Referred to	Ch.116 -	246
41-3812	Amended	Ch. 89 -	194
Ch.40	Referred to	Ch.318 -	745
41-4102	Amended	Ch. 61 -	151
41-4104	Amended	Ch. 61 -	152

41-4110	Amended	Ch. 61 -	152
41-4303	Amended	Ch.192 -	418
41-4308	Amended	Ch.192 -	422
41-4309	Amended	Ch.192 -	427
41-4904	Amended	Ch. 21 -	33
Ch.55	Referred to	Ch.166 -	340
41-6003	Amended	Ch. 32 -	59
41-6006	Amended	Ch. 32 -	60
Ch.62	Referred to	Ch.116 -	247
41-6201	New Section Added	Ch.116 -	241
41-6202	New Section Added	Ch.116 -	241
41-6203	New Section Added	Ch.116 -	242
41-6204	New Section Added	Ch.116 -	243
41-6205	New Section Added	Ch.116 -	244
41-6206	New Section Added	Ch.116 -	245
41-6207	New Section Added	Ch.116 -	245
41-6208	New Section Added	Ch.116 -	246
41-6209	New Section Added	Ch.116 -	246
41-6210	New Section Added	Ch.116 -	246
41-6211	New Section Added	Ch.116 -	246
TITLE 42			
42-113	Amended	Ch.146 -	303
Ch.2	Referred to	Ch.320 -	748
42-221	Amended	Ch. 42 -	105
42-222	Referred to	Ch.320 -	748
42-233a	Amended	Ch. 41 -	103
42-501	Amended	Ch.320 -	747
42-503	Amended and Redesignated 42-504	Ch.320 -	749
42-503	New Section Added	Ch.320 -	748
42-504	Amended and Redesignated 42-505	Ch.320 -	749
42-504	Redesignated from 42-503	Ch.320 -	749
42-505	Amended and Redesignated 42-506	Ch.320 -	749
42-505	Redesignated from 42-504	Ch.320 -	749
42-506	Amended and Redesignated 42-507	Ch.320 -	749
42-506	Redesignated from 42-505	Ch.320 -	749
42-507	Redesignated from 42-506	Ch.320 -	749
42-605	Amended	Ch. 40 -	100
42-618	Referred to	Ch. 40 -	101
42-1701A	Referred to	Ch.320 -	748
42-1760	Referred to	Ch.315 -	740
42-2913	Amended	Ch. 92 -	197
42-2936	Amended	Ch. 92 -	197
42-2962	Amended	Ch. 92 -	198
42-2979	Amended	Ch. 92 -	198
42-2979A	New Section Added	Ch. 92 -	199
42-3109	Amended	Ch.193 -	429
TITLE 44			
44-905	New Section Added	Ch.215 -	485
44-1504	Amended	Ch.251 -	581
44-2702	Amended	Ch.349 -	823
44-2704	Amended	Ch.349 -	823
TITLE 47			
47-316	Amended	Ch.169 -	360
47-328	Amended	Ch.169 -	361
47-330	Amended	Ch.169 -	363

47-331	Amended and Redesignated 47-335	Ch.169 -	365
	(as enacted by Sec. 1, Ch. 116, Laws of 2017)		
47-331	Amended and Redesignated 47-336	Ch.169 -	365
	(as amended by Sec. 1, Ch. 68, Laws of 2017)		
47-335	Redesignated from 47-331	Ch.169 -	365
47-336	Redesignated from 47-331	Ch.169 -	365
47-1314	Amended	Ch. 76 -	171
47-1506	Amended	Ch. 76 -	171
TITLE 48			
48-401	Repealed	Ch.179 -	393
48-402	Repealed	Ch.179 -	393
48-403	Repealed	Ch.179 -	393
48-404	Repealed	Ch.179 -	393
48-405	Repealed	Ch.179 -	393
48-406	Repealed	Ch.179 -	393
48-407	Repealed	Ch.179 -	393
48-408	Repealed	Ch.179 -	393
48-409	Repealed	Ch.179 -	393
48-411	Repealed	Ch.179 -	393
48-412	Repealed	Ch.179 -	393
48-413	Repealed	Ch.179 -	393
Ch. 6	Referred to	Ch.116 -	246
TITLE 49			
49-103	Amended	Ch.324 -	754
49-229	Amended	Ch.324 -	755
49-301	Amended	Ch.298 -	706
49-304	Referred to	Ch.298 -	707
49-306	Amended	Ch.113 -	230
49-306	Amended	Ch.113 -	235
	(as amended by Sec. 2, Ch. 216, Laws of 2017)		
49-320	Referred to	Ch.298 -	703
49-328	Amended	Ch.298 -	707
Ch. 4	Referred to	Ch.253 -	584
49-402	Amended	Ch.253 -	584
49-402C	Referred to	Ch.253 -	584
49-403	Referred to	Ch. 43 -	108
49-403A	Amended	Ch. 43 -	107
49-420P	New Section Added	Ch.253 -	583
49-420P	Referred to	Ch.253 -	586
49-443B	Amended	Ch. 93 -	200
49-458	New Section Added	Ch.237 -	556
49-625	Amended	Ch. 74 -	169
49-652	Amended	Ch. 73 -	169
49-655	Amended	Ch.130 -	278
49-673	Amended	Ch.139 -	285
49-673	Amended	Ch.295 -	699
49-1004	Amended	Ch. 26 -	47
49-1204	Referred to	Ch.298 -	703
49-1207	Referred to	Ch.298 -	703
49-1505	Repealed	Ch.298 -	707
49-1803A	Amended	Ch.212 -	480
49-1806	Amended	Ch.324 -	755
49-1812	Amended	Ch.324 -	755
49-2801	Repealed	Ch.116 -	241
49-2802	Repealed	Ch.116 -	241

49-2803	Repealed	Ch.116 -	241
49-2804	Repealed	Ch.116 -	241
49-2805	Repealed	Ch.116 -	241
49-2805A	Repealed	Ch.116 -	241
49-2806	Repealed	Ch.116 -	241
49-2807	Repealed	Ch.116 -	241
49-2809	Repealed	Ch.116 -	241
49-2810	Repealed	Ch.116 -	241
49-2811	Repealed	Ch.116 -	241
TITLE 50			
50-703	Amended	Ch.169 -	367
TITLE 51			
51-117	Amended	Ch. 77 -	174
	(as enacted by Sec. 6, Ch. 192, Laws of 2017)		
51-118	Amended	Ch. 77 -	174
	(as enacted by Sec. 7, Ch. 192, Laws of 2017)		
51-121	Amended	Ch. 77 -	175
51-123	Amended	Ch. 77 -	176
51-127	Amended	Ch. 77 -	176
TITLE 54			
54-301	New Section Added	Ch.129 -	270
54-301	Repealed	Ch.129 -	270
54-302	New Section Added	Ch.129 -	270
54-302	Repealed	Ch.129 -	270
54-302A	Repealed	Ch.129 -	270
54-303	New Section Added	Ch.129 -	270
54-303	Repealed	Ch.129 -	270
54-304	New Section Added	Ch.129 -	271
54-304	Repealed	Ch.129 -	270
54-305	New Section Added	Ch.129 -	272
54-305	Repealed	Ch.129 -	270
54-306	New Section Added	Ch.129 -	272
54-306	Repealed	Ch.129 -	270
54-307	New Section Added	Ch.129 -	273
54-307	Repealed	Ch.129 -	270
54-308	New Section Added	Ch.129 -	273
54-308	Repealed	Ch.129 -	270
54-309	New Section Added	Ch.129 -	274
54-309	Repealed	Ch.129 -	270
54-310	New Section Added	Ch.129 -	275
54-310	Repealed	Ch.129 -	270
54-311	New Section Added	Ch.129 -	275
54-311	Repealed	Ch.129 -	270
54-312	New Section Added	Ch.129 -	275
54-312	Repealed	Ch.129 -	270
54-313	New Section Added	Ch.129 -	275
54-313	Repealed	Ch.129 -	270
54-314	New Section Added	Ch.129 -	276
54-314	Repealed	Ch.129 -	270
54-315	New Section Added	Ch.129 -	277
54-315	Repealed	Ch.129 -	270
54-316	New Section Added	Ch.129 -	277
54-501	Repealed	Ch.228 -	520
54-502	Repealed	Ch.228 -	520
54-504	Repealed	Ch.228 -	520

54-506	Repealed	Ch. 228	-	520
54-507	Repealed	Ch. 228	-	520
54-509	Repealed	Ch. 228	-	520
54-510	Repealed	Ch. 228	-	520
54-511	Repealed	Ch. 228	-	520
54-512	Repealed	Ch. 228	-	520
54-513	Repealed	Ch. 228	-	520
54-514	Repealed	Ch. 228	-	520
54-515	Repealed	Ch. 228	-	520
54-516	Repealed	Ch. 228	-	520
54-517	Repealed	Ch. 228	-	520
54-518	Repealed	Ch. 228	-	520
54-519	Repealed	Ch. 228	-	520
54-520	Repealed	Ch. 228	-	520
54-521	Repealed	Ch. 228	-	520
54-522	Repealed	Ch. 228	-	520
54-523	Repealed	Ch. 228	-	520
54-524	Repealed	Ch. 228	-	520
54-525	Repealed	Ch. 228	-	520
54-526	Repealed	Ch. 228	-	520
54-530	Repealed	Ch. 228	-	520
54-713	Amended	Ch. 348	-	798
54-801	Repealed	Ch. 228	-	520
54-802	Repealed	Ch. 228	-	520
54-803	Repealed	Ch. 228	-	520
54-804	Repealed	Ch. 228	-	520
54-805	Repealed	Ch. 228	-	520
54-805A	Repealed	Ch. 228	-	520
54-805B	Repealed	Ch. 228	-	520
54-806	Repealed	Ch. 228	-	520
54-807	Repealed	Ch. 228	-	520
54-808	Repealed	Ch. 228	-	520
54-809	Repealed	Ch. 228	-	520
54-810	Repealed	Ch. 228	-	520
54-811	Repealed	Ch. 228	-	520
54-812	Repealed	Ch. 228	-	520
54-813	Repealed	Ch. 228	-	520
54-814	Repealed	Ch. 228	-	520
54-815	Repealed	Ch. 228	-	520
54-816	Repealed	Ch. 228	-	520
54-817	Repealed	Ch. 228	-	520
54-818	Repealed	Ch. 228	-	520
54-819	Repealed	Ch. 228	-	520
54-820	Repealed	Ch. 228	-	520
54-821	Repealed	Ch. 228	-	520
54-822	Repealed	Ch. 228	-	520
54-823	Repealed	Ch. 228	-	520
54-824	Repealed	Ch. 228	-	520
54-824A	Repealed	Ch. 228	-	520
54-825	Repealed	Ch. 228	-	520
54-826	Repealed	Ch. 228	-	520
54-827	Repealed	Ch. 228	-	520
54-828	Repealed	Ch. 228	-	520
54-829	Repealed	Ch. 228	-	520
54-831	Repealed	Ch. 228	-	520

54-832	Repealed	Ch. 228	-	520
54-833	Repealed	Ch. 228	-	520
54-834	Repealed	Ch. 228	-	520
54-835	Repealed	Ch. 228	-	520
54-836	Repealed	Ch. 228	-	520
54-837	Repealed	Ch. 228	-	520
54-903	Amended	Ch. 52	-	135
54-903	Amended	Ch. 53	-	137
54-903	Amended	Ch. 54	-	140
54-904	Amended	Ch. 53	-	138
54-911	Amended	Ch. 55	-	141
54-916B	Amended	Ch. 170	-	378
54-935	Amended	Ch. 53	-	138
54-1001	Amended	Ch. 208	-	460
54-1001D	Amended	Ch. 208	-	461
54-1002	Amended	Ch. 208	-	461
54-1002	Amended	Ch. 209	-	468
54-1003	Amended	Ch. 208	-	462
54-1003	Amended	Ch. 209	-	469
54-1003A	Amended	Ch. 208	-	462
54-1003A	Amended	Ch. 209	-	469
54-1004	Amended	Ch. 208	-	463
54-1004	Amended	Ch. 209	-	470
54-1005	Amended	Ch. 208	-	463
54-1005	Amended	Ch. 209	-	471
54-1006	Amended	Ch. 209	-	471
54-1007	Amended	Ch. 209	-	472
54-1008	Amended	Ch. 208	-	464
54-1008	Amended	Ch. 209	-	473
54-1009	Amended	Ch. 208	-	464
54-1009	Amended	Ch. 209	-	474
54-1010	Amended	Ch. 208	-	465
54-1010	Amended	Ch. 209	-	474
54-1013	Amended	Ch. 209	-	475
54-1014	Amended	Ch. 208	-	466
54-1014	Amended	Ch. 209	-	476
54-1016	Amended	Ch. 199	-	446
54-1016	Amended	Ch. 208	-	466
54-1016	Amended	Ch. 209	-	476
54-1017	Amended	Ch. 209	-	478
54-1019	Amended	Ch. 207	-	459
54-1144	Amended	Ch. 66	-	157
54-1212	Amended	Ch. 67	-	159
54-1214	Amended	Ch. 67	-	161
54-1403	Amended	Ch. 156	-	313
54-1406A	Amended	Ch. 348	-	799
54-1413	Amended	Ch. 225	-	514
54-1413	Amended	Ch. 348	-	801
54-1502A	Amended	Ch. 348	-	803
54-1512	Amended	Ch. 348	-	803
54-1610	Amended	Ch. 88	-	193
Ch. 17	Referred to	Ch. 36	-	75
54-1704	Amended	Ch. 169	-	368
54-1705	Amended	Ch. 37	-	77
54-1718	Amended	Ch. 37	-	81

54-1720	Amended	Ch. 37	-	82
54-1721	Amended	Ch. 37	-	84
54-1722	Amended	Ch. 37	-	85
54-1723	Amended	Ch. 37	-	86
54-1723A	Amended	Ch. 37	-	88
54-1724	Amended	Ch. 37	-	88
54-1725	Amended	Ch. 37	-	88
54-1728	Amended	Ch. 37	-	89
54-1728	Amended	Ch. 348	-	804
54-1729	Amended	Ch. 37	-	90
54-1730	Amended	Ch. 37	-	91
54-1732	Amended	Ch. 348	-	805
54-1733	Amended	Ch. 37	-	92
54-1733A	Amended	Ch. 37	-	93
54-1733B	Referred to	Ch. 10	-	14
54-1733E	Amended and Redesignated 54-1733F	Ch. 169	-	369
	(as enacted by Sec. 2, Ch. 23, Laws of 2017)			
54-1733F	Redesignated from 54-1733E	Ch. 169	-	369
54-1733F	Referred to	Ch. 169	-	369
54-1734	Amended	Ch. 37	-	94
54-1738	Amended	Ch. 37	-	94
54-1754	Amended	Ch. 37	-	95
54-1761	Amended	Ch. 37	-	96
54-1768	New Section Added	Ch. 35	-	67
54-1769	Referred to	Ch. 35	-	67
Ch. 18	Referred to	Ch. 228	-	534
54-1803	Referred to	Ch. 120	-	258
54-1804	Amended	Ch. 24	-	42
54-1806	Amended	Ch. 348	-	807
54-1814	Amended	Ch. 225	-	515
54-1914	Amended	Ch. 348	-	808
54-2059	Amended	Ch. 348	-	810
54-2118	Amended	Ch. 348	-	811
54-2203	Amended	Ch. 204	-	455
54-2220	Amended	Ch. 348	-	812
54-2221	Amended	Ch. 348	-	813
54-2225	New Section Added	Ch. 204	-	455
54-2602	Amended	Ch. 199	-	447
54-2617	Amended	Ch. 211	-	479
54-2905	Amended	Ch. 72	-	166
54-2916A	Amended	Ch. 72	-	168
54-2925	Amended	Ch. 348	-	813
54-3113	Amended	Ch. 348	-	814
54-3405B	Amended	Ch. 59	-	146
54-3405C	Amended	Ch. 59	-	148
54-3512	Amended	Ch. 24	-	44
54-3702	Amended	Ch. 51	-	131
54-3704	Amended	Ch. 51	-	134
54-3709	Amended	Ch. 51	-	134
54-3714	Amended	Ch. 51	-	135
54-3720	Amended	Ch. 348	-	814
54-3905	Amended	Ch. 24	-	44
54-3913	Amended	Ch. 348	-	815
54-4104	Amended	Ch. 128	-	268
54-4105A	New Section Added	Ch. 128	-	269

54-4132	Amended	Ch. 348	-	816
54-4702	Amended	Ch. 37	-	96
54-4704	Amended	Ch. 57	-	144
54-5002	Amended	Ch. 199	-	449
54-5003	Referred to	Ch. 210	-	479
54-5006	Amended	Ch. 199	-	450
54-5010	Amended	Ch. 210	-	478
54-5011	Amended	Ch. 210	-	479
54-5215	Amended	Ch. 348	-	817
54-5607	Amended	Ch. 348	-	818
Ch. 58	Referred to	Ch. 228	-	536
54-5801	New Section Added	Ch. 228	-	520
54-5802	New Section Added	Ch. 228	-	520
54-5803	New Section Added	Ch. 228	-	522
54-5804	New Section Added	Ch. 228	-	523
54-5805	New Section Added	Ch. 228	-	523
54-5806	New Section Added	Ch. 228	-	524
54-5807	New Section Added	Ch. 228	-	525
54-5808	New Section Added	Ch. 228	-	526
54-5809	New Section Added	Ch. 228	-	526
54-5810	New Section Added	Ch. 228	-	526
54-5811	New Section Added	Ch. 228	-	528
54-5812	New Section Added	Ch. 228	-	528
54-5813	New Section Added	Ch. 228	-	529
54-5814	New Section Added	Ch. 228	-	529
54-5815	New Section Added	Ch. 228	-	530
54-5816	New Section Added	Ch. 228	-	532
54-5817	New Section Added	Ch. 228	-	532
54-5818	New Section Added	Ch. 228	-	532
54-5819	New Section Added	Ch. 228	-	533
54-5820	New Section Added	Ch. 228	-	533
54-5821	New Section Added	Ch. 228	-	533
54-5822	New Section Added	Ch. 228	-	533
54-5823	New Section Added	Ch. 228	-	534
54-5824	New Section Added	Ch. 228	-	534
54-5825	New Section Added	Ch. 228	-	535
54-5826	New Section Added	Ch. 228	-	535
54-5827	New Section Added	Ch. 228	-	535
TITLE 55				
55-116	New Section Added	Ch. 205	-	457
55-1507	Amended	Ch. 205	-	457
55-1528	New Section Added	Ch. 205	-	458
TITLE 56				
56-255	Amended	Ch. 182	-	397
56-257	Referred to	Ch. 339	-	776
Ch. 7	Heading Amended	Ch. 144	-	299
56-701A	Amended	Ch. 144	-	299
56-1016	Amended	Ch. 101	-	212
56-1018B	Amended	Ch. 168	-	343
56-1503	Amended	Ch. 49	-	125
56-1504	Amended	Ch. 49	-	126
56-1511	Amended	Ch. 49	-	127
56-1511	Referred to	Ch. 49	-	126
TITLE 57				
57-719	Amended	Ch. 65	-	156

TITLE 58			
58-330	Referred to	Ch.258 -	614
TITLE 59			
59-501	Amended	Ch.269 -	643
59-502	Amended	Ch.255 -	605
59-509	Referred to	Ch. 47 -	119
59-509	Referred to	Ch.129 -	273
59-509	Referred to	Ch.228 -	524
59-509	Referred to	Ch.258 -	613
59-1012	Referred to	Ch. 4 -	10
59-1015	Referred to	Ch.119 -	254
59-1302	Amended	Ch.235 -	548
59-1311	Referred to	Ch.343 -	787
59-1346	Amended	Ch.177 -	390
59-1355	Referred to	Ch.177 -	392
59-1359	Referred to	Ch.177 -	392
59-1359	Referred to	Ch.235 -	554
59-1360	Referred to	Ch.177 -	392
59-1603	Amended	Ch.117 -	247
59-1608	Amended	Ch. 98 -	207
TITLE 61			
61-215	Amended	Ch.174 -	385
TITLE 63			
63-102	Amended	Ch.336 -	767
63-103A	New Section Added	Ch. 68 -	163
63-105A	Amended	Ch. 30 -	54
63-201	Referred to	Ch. 69 -	164
63-215	Referred to	Ch.196 -	443
63-301A	Amended	Ch.194 -	432
63-509	Amended	Ch. 29 -	53
63-602	Amended	Ch.194 -	434
63-602EE	Amended	Ch.297 -	702
63-602EE	New Section Added	Ch.297 -	702
63-602EE	Repealed	Ch.297 -	701
63-701 thru			
63-710	Referred to	Ch.183 -	401
63-701	Referred to	Ch.183 -	401
63-704	Amended	Ch.183 -	401
63-705	Referred to	Ch.183 -	401
63-705A	New Section Added	Ch.183 -	401
63-707	Amended	Ch.183 -	402
63-802	Amended	Ch.194 -	434
63-802 thru			
63-807	Referred to	Ch.194 -	431
63-802	Referred to	Ch.196 -	441
63-802A	Referred to	Ch.196 -	442
63-903	Amended	Ch. 69 -	164
63-1001	Referred to	Ch. 69 -	164
63-1002	Amended	Ch. 70 -	165
63-1305C	New Section Added	Ch.194 -	430
63-1305C	Referred to	Ch.194 -	434
63-1705	Amended	Ch. 83 -	186
63-2401	Amended	Ch. 80 -	179
63-2402	Amended	Ch. 80 -	181
63-2410	Amended	Ch. 81 -	183

63-2412	Referred to	Ch. 345 -	792
63-2424	Referred to	Ch. 80 -	182
63-2506	Amended	Ch. 94 -	201
63-2506	Referred to	Ch. 231 -	542
63-2516	Amended	Ch. 48 -	124
63-2552A	Amended	Ch. 94 -	202
63-2552A	Referred to	Ch. 231 -	542
63-2563	Amended	Ch. 48 -	124
63-3004	Amended	Ch. 3 -	7
63-3004	Amended	Ch. 46 -	111
63-3004	Amended	Ch. 198 -	445
	(as amended by Sec. 1, H0463, Laws of 2018)		
63-3021	Amended	Ch. 46 -	112
63-3022	Amended	Ch. 3 -	7
63-3022	Amended	Ch. 46 -	112
63-3022	Amended	Ch. 109 -	221
63-3022H	Amended	Ch. 186 -	409
63-3022I	Amended	Ch. 206 -	459
63-3022O	Amended	Ch. 7 -	12
63-3022O	Referred to	Ch. 186 -	410
63-3022U	Amended	Ch. 5 -	11
63-3024	Amended	Ch. 46 -	115
63-3025	Amended	Ch. 46 -	116
63-3029A	Amended	Ch. 33 -	61
63-3029A	Amended	Ch. 33 -	63
	(as amended by Sec. 3, Ch. 78, Laws of 2016)		
63-3029J	Repealed	Ch. 160 -	318
63-3029L	Amended	Ch. 351 -	842
	(as added by Sec. 6, H0463, Laws of 2018)		
63-3029L	New Section Added	Ch. 46 -	117
63-3040	Referred to	Ch. 48 -	124
63-3045B	Referred to	Ch. 48 -	124
63-3046	Referred to	Ch. 6 -	11
63-3067	Referred to	Ch. 231 -	542
63-3069	Amended	Ch. 6 -	11
63-3085	Referred to	Ch. 81 -	184
63-3503	Amended	Ch. 31 -	57
63-3503A	Amended	Ch. 31 -	57
63-3503B	Amended	Ch. 31 -	58
63-3611	Amended	Ch. 220 -	493
63-3622O	Amended	Ch. 111 -	224
63-3622BB	Amended	Ch. 152 -	310
63-4502	Amended	Ch. 151 -	309
TITLE 65			
65-108	Amended	Ch. 66 -	157
65-202	Amended	Ch. 66 -	158
65-204	Amended	Ch. 66 -	159
TITLE 66			
66-115	Referred to	Ch. 120 -	258
TITLE 67			
67-453	Referred to	Ch. 260 -	618
67-509	Amended	Ch. 236 -	555
67-823	Amended	Ch. 23 -	38
67-824	Amended	Ch. 23 -	41
67-825	Amended	Ch. 23 -	41

67-826	New Section Added	Ch. 27	-	51
67-827	New Section Added	Ch. 258	-	610
67-827A	New Section Added	Ch. 258	-	610
67-828	New Section Added	Ch. 258	-	611
67-829	New Section Added	Ch. 258	-	611
67-830	New Section Added	Ch. 258	-	612
67-831	New Section Added	Ch. 258	-	612
67-832	New Section Added	Ch. 258	-	612
67-833	New Section Added	Ch. 258	-	613
67-834	New Section Added	Ch. 258	-	614
67-835	New Section Added	Ch. 258	-	614
67-836	New Section Added	Ch. 258	-	614
67-837	New Section Added	Ch. 258	-	615
67-904	Repealed	Ch. 236	-	554
67-905	Repealed	Ch. 236	-	554
67-1021A	New Section Added	Ch. 45	-	110
67-1021B	New Section Added	Ch. 45	-	110
67-1021C	New Section Added	Ch. 45	-	111
67-1210	Referred to	Ch. 22	-	38
67-1210A	Amended	Ch. 86	-	191
67-1225	Amended	Ch. 85	-	190
67-1412	Amended	Ch. 169	-	370
67-1412 thru				
67-1416	Referred to	Ch. 254	-	587
67-1413	Referred to	Ch. 169	-	370
67-2601	Amended	Ch. 228	-	535
67-2601A	Amended	Ch. 348	-	819
67-2602	Amended	Ch. 228	-	537
67-2602	Amended	Ch. 348	-	821
67-2609	Amended	Ch. 348	-	822
67-2614	Referred to	Ch. 129	-	275
67-2614	Referred to	Ch. 228	-	533
Ch. 28	Referred to	Ch. 92	-	199
67-3004	Amended	Ch. 286	-	674
67-3008	Referred to	Ch. 68	-	163
67-3531	Referred to	Ch. 45	-	110
67-3531	Referred to	Ch. 330	-	762
67-3532	New Section Added	Ch. 58	-	145
67-4112	Amended	Ch. 137	-	283
67-4121	Amended	Ch. 84	-	189
67-4129B	Amended	Ch. 169	-	370
67-4711	Amended	Ch. 71	-	165
67-5009	Amended	Ch. 56	-	143
Ch. 52	Referred to	Ch. 129	-	274
Ch. 52	Referred to	Ch. 153	-	311
Ch. 52	Referred to	Ch. 216	-	487
Ch. 52	Referred to	Ch. 228	-	525
Ch. 52	Referred to	Ch. 258	-	611
Ch. 52	Referred to	Ch. 299	-	715
67-5201	Referred to	Ch. 299	-	715
67-5291	Referred to	Ch. 299	-	715
67-5292	Referred to	Ch. 299	-	715
Ch. 53	Referred to	Ch. 47	-	119
67-5302	Amended	Ch. 17	-	26
67-5303	Amended	Ch. 120	-	256

67-5304	Referred to	Ch.271 -	647
67-5309	Amended	Ch.118 -	250
67-5309B	Referred to	Ch.271 -	647
67-5316	Amended	Ch.118 -	253
67-5343	Amended	Ch. 98 -	207
Ch.57	Referred to	Ch.169 -	345
67-5709	Amended	Ch.127 -	266
67-5709	Amended	Ch.180 -	393
67-5711C	Amended	Ch.119 -	254
67-5745	Repealed	Ch.258 -	615
67-5745A	Repealed	Ch.258 -	615
67-5745B	Repealed	Ch.258 -	615
67-5745C	Repealed	Ch.258 -	615
67-5747	Repealed	Ch.258 -	615
67-5779	Repealed	Ch.258 -	615
67-5780	Repealed	Ch.258 -	615
67-5781	Repealed	Ch.258 -	615
67-5782	Repealed	Ch.258 -	615
Ch.65	Referred to	Ch.238 -	559
67-6519	Amended	Ch.246 -	572
67-6537	Referred to	Ch.246 -	573
67-6539	Amended	Ch. 79 -	179
67-6621	Amended	Ch.169 -	371
67-6623	Amended	Ch. 2 -	6
67-7428	Referred to	Ch.311 -	736
67-9203	Amended	Ch. 17 -	29
TITLE 70			
70-507	Amended	Ch. 62 -	153
TITLE 72			
72-205	Amended	Ch. 39 -	99
72-503	Amended	Ch.273 -	650
72-1016	Amended	Ch.249 -	577
72-1019	Amended	Ch.249 -	578
72-1025	Amended	Ch.189 -	416
72-1025	Amended	Ch.298 -	713
72-1025	Referred to	Ch.189 -	414
72-1105	Amended	Ch.189 -	416
72-1105	Amended	Ch.298 -	714
72-1105	Referred to	Ch.189 -	415
72-1201	New Section Added	Ch. 47 -	119
72-1202	New Section Added	Ch. 47 -	119
72-1203	New Section Added	Ch. 47 -	119
Ch.13	Referred to	Ch. 47 -	121
72-1333	Amended	Ch. 47 -	121
72-1336	Repealed	Ch. 47 -	121
72-1336A	Repealed	Ch. 47 -	121
72-1345A	Repealed	Ch. 47 -	121
72-1346	Referred to	Ch. 47 -	121
72-1347A	Amended	Ch. 47 -	121
72-1347B	Amended	Ch.169 -	371
72-1347B	Repealed	Ch. 47 -	121
72-1348	Amended	Ch. 47 -	123
72-1350	Amended	Ch. 1 -	3
72-1350	Referred to	Ch. 47 -	120
72-1432	Amended	Ch.178 -	392

TITLE 74

Ch.1	Referred to	Ch.258 -	615
74-101	Amended	Ch.143 -	290
74-102	Amended	Ch.143 -	291
74-102	Referred to	Ch.184 -	405
74-105	Referred to	Ch.287 -	686
74-106	Amended	Ch.143 -	294
74-107	Amended	Ch.169 -	373
74-119	Amended	Ch.143 -	298
74-124	Amended	Ch.252 -	582
74-202	Amended	Ch.142 -	288
74-202	New Section Added	Ch.142 -	289
74-202	Repealed	Ch.142 -	289
74-204	Amended	Ch.223 -	502
74-206	Amended	Ch.169 -	377
74-206A	Referred to	Ch.169 -	378
74-601	New Section Added	Ch.260 -	616
74-602	New Section Added	Ch.260 -	616
74-603	New Section Added	Ch.260 -	616
74-604	New Section Added	Ch.260 -	617
74-605	New Section Added	Ch.260 -	617
74-606	New Section Added	Ch.260 -	618

IDAHO CONSTITUTION

Art.VIII, Sec.1	Referred to	Ch.301 -	725
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LAWS OF 2005

Ch.328, Sec.5	Referred to	Ch.242 -	566
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LAWS OF 2014

Ch.252, Sec.4	Repealed	Ch.197 -	444
Ch.252, Sec.5	Repealed	Ch.197 -	444
Ch.252, Sec.6	Repealed	Ch.197 -	444
Ch.252, Sec.7	Repealed	Ch.197 -	444
Ch.252, Sec.8	Repealed	Ch.197 -	444
Ch.252, Sec.9	Repealed	Ch.197 -	444
Ch.252, Sec.10	Repealed	Ch.197 -	444

LAWS OF 2015

Ch.141, Sec.71	Repealed	Ch.197 -	444
Ch.141, Sec.198	Repealed	Ch.197 -	444

LAWS OF 2016

Ch.271, Sec.4	Repealed	Ch.197 -	444
Ch.271, Sec.14	Repealed	Ch.197 -	444
Ch.346, Sec.2	Repealed	Ch.190 -	417

LAWS OF 2017

Ch.97, Sec.1	Amended	Ch. 32 -	61
Ch.205, Sec.1	Referred to	Ch.248 -	577

Ch.310, Sec.1 Referred to Ch.290 - 690

RULES

Board of Dentistry

IDAPA 19.01.01 Rejected HCR 46 - 884

Commission of Pardons and Parole

IDAPA 50.01.01

Section 551.

Subsection 03.c. Rejected HCR 57 - 894

Subsection 03.d. Rejected HCR 57 - 894

Department of Fish and Game

IDAPA 13.01.08

Section 421.

Subsection 02. Rejected HCR 33 - 875

Department of Health and Welfare

IDAPA 16.03.08 Rejected HCR 47 - 884

Department of Juvenile Corrections

IDAPA 05.01.02

Section 010.

Subsection 37. Rejected HCR 55 - 893

Idaho State Police

IDAPA 11.11.01

Section 064.

Subsection 05. Rejected SCR139 - 868

Section 201.

Subsection 01.d. Rejected SCR137 - 867

Joint

Rule 4 Amended SCR125 - 856

Rule 16 Amended HCR 40 - 879

PERSI (Public Employee Retirement System of Idaho)

IDAPA 59.01.03 Rejected HCR 62 - 896

State Public Defense Commission

IDAPA 61.01.07

Section 020.

Subsection 01.d. Rejected HCR 56 - 894

MISCELLANEOUS

Akron v. Akron Ctr. for Reproductive Health, Inc.

Referred to Ch.225 - 509

Idaho Criminal Rule 33 Referred to Ch.189 - 415

Idaho Energy Conservation Code

Referred to Ch.338 - 771

Idaho Residential Code Referred to Ch.338 - 771

International Energy Conservation Code

Referred to Ch.338 - 771

International Residential Code

Referred to Ch.338 - 771

Joyce Livestock Company v. United States of America

Referred to Ch.320 - 747

Planned Parenthood of Southeastern Pennsylvania v. Casey

Referred to Ch.225 - 509

Planned Parenthood v. Danforth

Referred to Ch.225 - 510

State Board of Education Policy III.W

Referred to Ch.247 - 576

FEDERAL LAWS

26 CFR 1.170A-13	Referred to	Ch.186 -	410
36 CFR 294	Referred to	Ch. 27 -	51
Internal Revenue Code	Referred to	Ch. 3 -	7
Internal Revenue Code	Referred to	Ch. 46 -	111
Internal Revenue Code	Referred to	Ch. 46 -	111
Internal Revenue Code	Referred to	Ch.109 -	223
Internal Revenue Code	Referred to	Ch.166 -	341
Internal Revenue Code	Referred to	Ch.186 -	410
Internal Revenue Code	Referred to	Ch.198 -	445
Public Law 92-544	Referred to	Ch. 68 -	163
29 USC 3101 et seq.	Referred to	Ch. 47 -	119
33 USC 1341	Referred to	Ch. 22 -	36

ACTS

Carey Act	Referred to	Ch.246 -	573
Food, Drug and Cosmetic Act			
	Referred to	Ch.216 -	486
Social Security Act	Referred to	Ch.182 -	400

NUMERICAL LIST OF SENATE BILLS

that became law with a brief synopsis and the
chapter number of each bill

		Chapter	- Page
S 1207aa	Seed idemnity fund	Ch.153	- 311
S 1209	Petroleum clean water trust fund	Ch. 21	- 33
S 1210	Eastern Idaho technical college	Ch. 17	- 22
S 1212	Education, career tech	Ch. 95	- 203
S 1213	Endowment board, compensation	Ch. 65	- 156
S 1214	State veterans cemeteries	Ch. 66	- 156
S 1215	Fire protection districts, election	Ch. 19	- 31
S 1216	Fire commissioners, compensation	Ch. 18	- 30
S 1217	Fish and game, credit card fees	Ch. 4	- 10
S 1218	Environmental quality, IPDES	Ch. 22	- 34
S 1219	Health insurance, waiver	Ch. 61	- 151
S 1221	College credit transfer	Ch. 96	- 204
S 1222	Career technical ed funding	Ch. 16	- 20
S 1225	Civil actions, renewing	Ch.284	- 672
S 1226	Commerce, planning regions	Ch. 71	- 165
S 1228	Precinct boards, students, age	Ch.154	- 311
S 1229	Elections, early voting	Ch.155	- 312
S 1230	Property taxes, delinquency	Ch. 70	- 165
S 1231	Property taxes, late charges	Ch. 69	- 164
S 1232	Transfer, foreign offenders	Ch.243	- 567
S 1233	STEM action center	Ch. 23	- 38
S 1234	Tax commission, background check	Ch. 68	- 163
S 1235	Board of nursing, education	Ch.156	- 313
S 1236	Approp, agriculture, add'l	Ch. 13	- 18
S 1237	Approp, pest deficiency transfer	Ch. 12	- 17
S 1240	Release of juvenile offenders	Ch.157	- 314
S 1242	Juvenile offenders, escaped	Ch.158	- 315
S 1243	Abortion, posting information	Ch.159	- 315
S 1245aa,aa	Legal immunity, vehicle entry	Ch.285	- 673
S 1246aaH	Correctional facilities, medical	Ch.321	- 749
S 1249	Education, organ donation	Ch. 97	- 206
S 1250	State employees, organ donation	Ch. 98	- 207
S 1251	Approp, industrial com, add'l	Ch. 14	- 18
S 1252	Engineers and surveyors, exams	Ch. 67	- 159
S 1253	Income tax credit, repeal	Ch.160	- 318
S 1254	Wireless phone service, transfers	Ch.227	- 518
S 1256	Approp, regulatory boards, add'l	Ch. 15	- 19
S 1257	Public defense commission, members	Ch.161	- 318
S 1258	Public defense, litigation costs	Ch.162	- 319
S 1260	Lake and river commission	Ch. 63	- 154
S 1261	Priest lake	Ch. 62	- 153
S 1263	Education, severance allowance	Ch. 91	- 195
S 1265	Security freeze, fees	Ch.163	- 322

S 1266	Education, math credits	Ch.110 -	224
S 1267aa	Stem diploma	Ch. 60 -	150
S 1268	Drainage districts	Ch. 92 -	197
S 1269	Aggravated sexual battery	Ch.322 -	751
S 1270aa	Forcible penetration, foreign obj	Ch.323 -	753
S 1271	Health care, confidentiality	Ch.145 -	300
S 1274aa	Public records	Ch.143 -	290
S 1275	Wolf collaring	Ch.147 -	305
S 1277	Civil actions, claims for damages	Ch.244 -	567
S 1278	Education, wireless technology	Ch. 99 -	208
S 1279	Idaho opportunity scholarship	Ch.245 -	570
S 1280	School district trustees	Ch.164 -	322
S 1282	Counties, sheriff's offices	Ch. 93 -	199
S 1284aaH	Parking enforcement, booting	Ch.324 -	754
S 1285	Banking, credit unions	Ch.165 -	328
S 1287aa	Covenants not to compete	Ch.349 -	823
S 1288	Out-of-state insurers	Ch.166 -	339
S 1292aa	Advanced opportunities scholarship	Ch.100 -	209
S 1294	Cigarette, tobacco tax	Ch. 94 -	201
S 1295aaH	Career technical schools, funding	Ch.341 -	781
S 1296	Mental disabilities	Ch.144 -	298
S 1302	Insurance, organ donation	Ch.167 -	341
S 1305	Stockwater, livestock	Ch.146 -	303
S 1306aaH	Planning, development application	Ch.246 -	572
S 1309aa	Fire district commission, vacancy	Ch.168 -	342
S 1310	Emergency med. services, standards	Ch.101 -	212
S 1313	Self-defense, castle, stand ground	Ch.222 -	500
S 1314aa	Criminal records, expungement	Ch.286 -	674
S 1315	Approp, lava hot springs, add'l	Ch. 64 -	155
S 1316aa	Attorney's fees, licensing auth	Ch.348 -	795
S 1317	Approp, military division, add'l	Ch. 90 -	195
S 1318	Codifier's corrections	Ch.169 -	344
S 1321	Dentists, license credentials	Ch.170 -	378
S 1322	Approp, transportation, add'l	Ch.102 -	214
S 1323	Approp, correction, chg	Ch.103 -	214
S 1324	Barber and cosmetology services act	Ch.228 -	519
S 1326	Approp, SAPD, orig	Ch.104 -	216
S 1327	Approp, veterans srvs, orig	Ch.105 -	217
S 1328	Approp, energy resources, orig	Ch.106 -	218
S 1329	Approp, lava hot springs, orig	Ch.107 -	219
S 1330	Approp, soil & water, orig	Ch.108 -	220
S 1331	Concealed weapons, state bar member	Ch.171 -	379
S 1333	Approp, insurance, orig	Ch.150 -	308
S 1334	Approp, libraries com, orig	Ch.149 -	307
S 1335	Approp, finance, orig	Ch.148 -	306
S 1338	Approp, public hlth districts, orig	Ch.172 -	383
S 1339	Approp, SILC, orig	Ch.173 -	383
S 1340	Approp, PUC, orig	Ch.174 -	384
S 1341	Child protective act	Ch.287 -	675
S 1342	Approp, attorney gen, orig	Ch.175 -	385
S 1344	Approp, edu bd, college univ, orig	Ch.247 -	574
S 1346	Approp, public defense com, orig	Ch.248 -	576
S 1347	Approp, pub schls admin, orig	Ch.229 -	538
S 1348	Approp, pub schls teachers, orig	Ch.230 -	540
S 1349	Approp, pub schls operations, orig	Ch.283 -	669
S 1350	Approp, pub schls children's, orig	Ch.231 -	541

S 1351	Approp, pub schls facilities, orig	Ch.232 -	544
S 1352	Approp, pub schls cntrl srvs, orig	Ch.233 -	545
S 1353	Approp, pub schls deaf blind, orig	Ch.234 -	547
S 1355	Approp, pardons & parole, orig	Ch.288 -	687
S 1356	Approp, arts com, orig	Ch.289 -	688
S 1357	Approp, edu bd, career tech, orig	Ch.290 -	689
S 1358	Approp, capitol com, orig	Ch.291 -	691
S 1359	Approp, edu bd, comm college, orig	Ch.292 -	692
S 1360	Approp, DEQ, orig	Ch.293 -	693
S 1361	Approp, H&W welfare division, orig	Ch.294 -	697
S 1362	Approp, H&W chld wlfr DDS srv, orig	Ch.342 -	782
S 1363	Approp, supreme court, trailer	Ch.325 -	756
S 1364	Approp, PERSI, orig	Ch.343 -	786
S 1365	Approp, labor, orig	Ch.326 -	757
S 1366	Approp, edu bd, hlth prgms, orig	Ch.344 -	788
S 1367	Approp, transportation, orig	Ch.345 -	790
S 1368	Approp, voc rehab, orig	Ch.346 -	793
S 1369	Approp, H&W indirect support, orig	Ch.353 -	844
S 1370	Approp, public defense com, trailer	Ch.327 -	759
S 1371	Approp, const officers, trailer	Ch.328 -	759
S 1372	Approp, liquor division, orig	Ch.329 -	760
S 1373	Approp, controller, orig	Ch.330 -	761
S 1374	Approp, H&W public hlth, trailer	Ch.331 -	762
S 1375	Approp, legislative branch, trailer	Ch.347 -	795
S 1376	Approp, H&W medicaid, trailer	Ch.332 -	763
S 1377	Approp, state police, add'l	Ch.333 -	763
S 1378	Approp, DEQ, add'l	Ch.334 -	764
S 1379	Approp, info tech services, orig	Ch.335 -	764
S 1380	Approp, tax com, orig	Ch.336 -	765
S 1381	Approp, workforce dev council, orig	Ch.337 -	768

NUMERICAL LIST OF HOUSE BILLS

that became law with a brief synopsis and the
chapter number of each bill

		Chapter	- Page
H 335	Employment, taxable wage rates	Ch. 1	- 3
H 336	Medicaid, nursing facilities	Ch. 49	- 125
H 337	Behavioral health, council, boards	Ch. 34	- 64
H 339	Pharmacy, drug substitutions	Ch. 35	- 67
H 340	Controlled substances	Ch. 36	- 68
H 343	Dentistry, dental specialists	Ch. 52	- 135
H 344	Dental hygienists, access settings	Ch. 53	- 136
H 345	Dentistry, convictions	Ch. 54	- 140
H 346	Board of dentistry, compensation	Ch. 55	- 141
H 347	Ombudsman for elderly, reporting	Ch. 56	- 141
H 348	Board of acupuncture, honorarium	Ch. 57	- 144
H 349	Occupational therapists	Ch. 51	- 131
H 350	Counselors and therapists	Ch. 59	- 146
H 351	Pharmacy, licensing and registation	Ch. 37	- 76
H 352	Occupational licensing, physicians	Ch. 24	- 42
H 353	Volunteer health care providers	Ch. 38	- 97
H 354	Opioid antagonists, filing	Ch. 10	- 14
H 355	Internal revenue code, conformity	Ch. 3	- 7
H 357	Courts, answering claims	Ch.126	- 265
H 358	Suspension, judgment and sentence	Ch.125	- 264
H 359	Action for possession, complaints	Ch.124	- 263
H 360	Assault, strangulation, counseling	Ch.123	- 260
H 361	Secretary of state, filing fees	Ch. 25	- 45
H 362	Gas tax, refund claims	Ch. 81	- 183
H 363	Fuels tax, gaseous special fuels	Ch. 80	- 179
H 364	Transportation, permits	Ch. 26	- 47
H 365	Liquor account, community colleges	Ch. 87	- 191
H 366	Worker's comp, public employment	Ch. 39	- 99
H 368	Higher education, retirement	Ch.176	- 386
H 369	Roadless rule commission	Ch. 27	- 51
H 370	Water districts, meetings, voting	Ch. 40	- 100
H 371	Critical ground water areas	Ch. 41	- 103
H 372	Water rights, application fee	Ch. 42	- 104
H 374	Mining, exploration	Ch. 76	- 171
H 378	Secretary of state, duties	Ch. 2	- 6
H 379	Nonprofits, incorporator	Ch. 28	- 52
H 381	Income tax, charitable contribution	Ch. 5	- 11
H 382	Income tax, notification time	Ch. 6	- 11
H 383aaS	Cigarette and tobacco taxpayers	Ch. 48	- 124
H 384	Income tax, adjustments	Ch. 7	- 12
H 386	Election records, registration	Ch. 78	- 177
H 387	License plate fees, purple heart	Ch. 43	- 107
H 388	Motor vehicles, emergency approach	Ch. 74	- 169

H 390	Property taxes, mailing requirement	Ch. 29 -	53
H 391	Tax commission, reporting date	Ch. 30 -	54
H 392	Energy tax, notification dates	Ch. 31 -	57
H 393	Insurance, immunization board	Ch. 32 -	59
H 400	PERSI, allowance computations	Ch.177 -	390
H 401	PERSI, definitions	Ch.235 -	548
H 402	Firemen's retirement fund	Ch.178 -	392
H 403	State treasurer, investments	Ch. 86 -	190
H 404	Credit enhancement committee	Ch. 85 -	190
H 405	Unfair sales act, repeal	Ch.179 -	393
H 407	Goats, wool assessments	Ch. 82 -	185
H 409	Nursing home administrators	Ch. 88 -	193
H 411	Sign language interpreters	Ch. 72 -	166
H 416	Historical society, artifacts	Ch. 84 -	189
H 429aaS	Crime victims compensation	Ch.249 -	577
H 430	Victim confidentiality, addresses	Ch.112 -	227
H 431	Medical directors, classification	Ch.120 -	256
H 432	Workforce development council	Ch. 47 -	118
H 433	Admin, multi-agency facilities	Ch.180 -	393
H 434	Administration, bidding	Ch.119 -	254
H 441	Approp, soil & water, add'l	Ch. 9 -	14
H 442	Approp, transportation, chg	Ch. 8 -	13
H 443	School districts, firearm education	Ch.250 -	580
H 446	Notaries public	Ch. 77 -	174
H 447	Civil forfeiture, property	Ch.221 -	494
H 448	Breastfeeding exempt, obscenity	Ch.181 -	395
H 451	Tax, medical residency placement	Ch. 33 -	61
H 452	Short-term rentals, regulation	Ch. 79 -	179
H 453	Adoption expenses, tax deduction	Ch.206 -	459
H 454	Insurance, dividends	Ch. 89 -	194
H 458	Architecture practice act	Ch.129 -	270
H 459	Real estate appraisal reviews	Ch.128 -	268
H 462	Forest lands taxation	Ch. 83 -	186
H 463	Taxes, corporate, individual, child	Ch. 46 -	111
H 465	Medicaid, dental services	Ch.182 -	397
H 466	Minimum wage, family	Ch.251 -	581
H 467	Approp, Hispanic affairs com, add'l	Ch. 20 -	33
H 468	Approp, medical boards, add'l	Ch. 11 -	17
H 469	School safety patrols	Ch. 73 -	169
H 471	Traffic, left lane	Ch.130 -	277
H 472	Rural physicians, state match	Ch.138 -	284
H 474aaS	Joint printing committee	Ch.236 -	555
H 475	Approp, H&W mental hlth, chg	Ch. 44 -	108
H 476	Fish and game, licenses, liability	Ch. 50 -	127
H 478	Electricians, inspectors	Ch.207 -	459
H 479	Electrical contractors, licensing	Ch.208 -	460
H 480	Electrical work, limited license	Ch.209 -	468
H 483	HVAC, exams and certificates	Ch.210 -	478
H 484	Plumbers, inactive certificates	Ch.211 -	479
H 486	State historical society definition	Ch.137 -	283
H 489	Personnel system, appointments	Ch.118 -	250
H 490	Nonclassified employees, bonuses	Ch.117 -	247
H 492	Property taxes, disabled veterans	Ch.183 -	401
H 493	Controller, info infrastructure	Ch. 45 -	110
H 497	Motor vehicles, towing	Ch.212 -	480
H 499	Records, law enforcement recording	Ch.184 -	403

H 500	Public records, child abuse	Ch.252 -	582
H 503	Education, career ladder	Ch.185 -	405
H 505	Physical therapy, dry needling	Ch.204 -	455
H 506aaS	Military vehicles	Ch.237 -	556
H 507aa	Rotary license plates	Ch.253 -	583
H 512	Driver's license, fees	Ch.113 -	230
H 513	Sales tax, free/charitable clinics	Ch.111 -	224
H 514	Taxation, capital gains	Ch.186 -	409
H 515	Income tax, college savings	Ch.109 -	221
H 518	Recorder's fees	Ch.187 -	411
H 519	Title insurance, reimbursements	Ch.213 -	481
H 521	Motor vehicle service contracts	Ch.116 -	241
H 522	Certificates of insurance	Ch.214 -	483
H 524	Fire districts, real property	Ch.188 -	413
H 526	Farm equipment agreements	Ch.224 -	504
H 527	Labor, franchise employees	Ch.215 -	485
H 530	Courts, criminal case payments	Ch.189 -	414
H 531	Alcohol, sunset clause repeal	Ch.190 -	417
H 533	County jails, housing payment	Ch.122 -	259
H 535	Sales under execution	Ch.121 -	258
H 537	Produce safety law	Ch.216 -	486
H 538	Wolf control board, sunset date	Ch.217 -	489
H 543	Seat belts, mail carriers	Ch.139 -	284
H 544	State facilities, upkeep, funding	Ch.127 -	266
H 546	Anatomical gifts, age of donation	Ch.191 -	417
H 547aaS	Building codes, local government	Ch.338 -	769
H 548	Insurance, long-term care	Ch.192 -	418
H 549	Fish and game, roadway salvage	Ch. 75 -	170
H 550aa	Flood districts, commissioners	Ch.193 -	429
H 551	Ignition interlock system, DUI	Ch.254 -	587
H 554	Safety restraints, negligence	Ch.295 -	699
H 559	Tax-exempt property	Ch.194 -	430
H 562aaS	Public health districts, trustees	Ch.296 -	700
H 565	Firearms, retired law enforcement	Ch.195 -	437
H 567aa	Cemetery maintenance districts	Ch.196 -	440
H 568	Initiatives, referenda procedures	Ch.238 -	557
H 578	Sales and use tax	Ch.220 -	493
H 580	Education, session law repeal	Ch.197 -	444
H 582	Justices, judges, salary	Ch.255 -	605
H 584	Sex crimes, video voyeurism	Ch.256 -	606
H 586	Juror compensation	Ch.257 -	608
H 591	Tax exemption, capital investments	Ch.151 -	309
H 592	Idaho national lab, sales tax	Ch.152 -	310
H 594aaS	Tax exempt property, hop crops	Ch.297 -	702
H 599	Driving without privileges	Ch.298 -	703
H 601	Good samaritans	Ch.218 -	491
H 605	Alcohol, waterfront resorts	Ch.226 -	517
H 606	Open meetings law, public agency	Ch.142 -	288
H 607	Information technology services	Ch.258 -	609
H 611	Open meetings notices, agendas	Ch.223 -	502
H 612	Approp, TISF, transfer	Ch. 58 -	145
H 618	Legend drugs, code imprint	Ch.259 -	616
H 620	Elections, public funds	Ch.260 -	616
H 624	Taxes, trailer bill	Ch.198 -	445
H 626	Elections, bonded indebtedness	Ch.261 -	618
H 627	Approp, building safety, add'l	Ch.115 -	240

H 628	Approp, state police, add'l	Ch.114 -	240
H 629	High school, apprenticeship	Ch.199 -	446
H 631	Higher ed., residency requirements	Ch.200 -	451
H 632	Educational support program funding	Ch.262 -	619
H 634	Education, suicide prevention	Ch.263 -	629
H 635	Approp, blind com, orig	Ch.136 -	282
H 638	Abortion, reporting act	Ch.225 -	509
H 642	Homeowner's associations	Ch.205 -	457
H 643	Magistrate's division, funding	Ch.264 -	630
H 645	Approp, drug policy, orig	Ch.140 -	286
H 646	Approp, juvenile corrections, orig	Ch.135 -	281
H 647	Education, representative status	Ch.219 -	492
H 648	Computer science courses	Ch.239 -	562
H 649	Medical help, overdose, charges	Ch.265 -	637
H 650	Approp, endow fund invest, orig	Ch.141 -	287
H 651	Approp, species conservation, orig	Ch.134 -	280
H 652	Approp, tax appeals, orig	Ch.133 -	279
H 653	Approp, financial mgmt, orig	Ch.132 -	279
H 654	Approp, public television, orig	Ch.131 -	278
H 658aaS	Property, trespassing	Ch.350 -	824
H 660	Approp, catastrophic hlthcare, orig	Ch.201 -	453
H 661	Approp, Hispanic affairs com, orig	Ch.202 -	454
H 662	Approp, edu bd, ag research, orig	Ch.203 -	454
H 665	School violence	Ch.240 -	562
H 666	Administrative rules, continue	Ch.299 -	715
H 667	Approp, legislative branch, orig	Ch.266 -	638
H 668	Approp, supreme court, orig	Ch.267 -	639
H 669	Approp, STEM action center, orig	Ch.268 -	642
H 670	State officers, salaries	Ch.269 -	643
H 672	Approp, edu bd, office, orig	Ch.270 -	645
H 673	Approp, human resources, orig	Ch.271 -	647
H 674	Approp, regulatory boards, orig	Ch.272 -	648
H 675	Child tax credit, trailer bill	Ch.351 -	842
H 677	Approp, water resources, orig	Ch.242 -	564
H 678	Approp, industrial com, orig	Ch.273 -	649
H 679	Approp, fish & game, orig	Ch.274 -	651
H 680	Approp, state police, orig	Ch.275 -	654
H 681	Approp, lieutenant gov, orig	Ch.276 -	658
H 682	Approp, H&W mental hlth	Ch.300 -	716
H 683	Approp, aging com, orig	Ch.277 -	659
H 685	Approp, lands, orig	Ch.278 -	659
H 686	Approp, edu bd, special prgms, orig	Ch.279 -	662
H 687	Approp, parks & rec, orig	Ch.280 -	664
H 688	Approp, bond payments, orig	Ch.281 -	666
H 689	Approp, military division, orig	Ch.282 -	667
H 690	Approp, correction, orig	Ch.301 -	720
H 691	Approp, perm bldg fund, orig	Ch.302 -	725
H 692	Approp, treasurer, orig	Ch.303 -	727
H 694	Approp, millennium fund, orig	Ch.304 -	729
H 695	Approp, H&W medicaid, orig	Ch.339 -	773
H 696	Approp, DEQ, trailer	Ch.305 -	729
H 697	Approp, correction, trailer	Ch.306 -	730
H 698	Approp, H&W mental hlth, trailer	Ch.307 -	730
H 699	Approp, historical society, orig	Ch.308 -	731
H 700	Approp, wolf depred control, orig	Ch.309 -	732
H 701	Approp, agriculture, orig	Ch.310 -	732

H 702	Approp, lottery, orig	Ch.311	-	736
H 703	Approp, commerce, orig	Ch.312	-	737
H 704	Approp, H&W pub hlth srvcs, approp	Ch.340	-	778
H 705	Approp, secretary of state, orig	Ch.313	-	738
H 706	Approp, building safety, orig	Ch.352	-	843
H 710	Approp, medical boards, orig	Ch.314	-	739
H 712	Approp, water resources, add'l	Ch.315	-	740
H 713	Approp, industrial com, trailer	Ch.316	-	741
H 714	Approp, exec office gov, orig	Ch.317	-	741
H 715	Approp, administration, orig	Ch.318	-	742
H 716	Approp, foster care, trailer	Ch.319	-	745
H 717	Approp, supt public instruc, orig	Ch.241	-	563
H 718	Stockwater rights	Ch.320	-	747

NUMERICAL LIST OF SENATE AND HOUSE JOINT MEMORIALS AND CONCURRENT RESOLUTIONS

SCR 125	Joint rule 4	856
SCR 126	Lewis-Clark state college	856
SCR 127	Idaho community foundation, honored	857
SCR 128	19th amendment	858
SCR 129	Self-sufficient families	859
SCR 130	Transportation dept, rulemaking	860
SCR 131	Cytomegalovirus awareness month	861
SCR 132	Wild and scenic rivers	862
SCR 134	Transportation committee	864
SCR 135	EMS, volunteers	865
SCR 136	Social work month	866
SCR 137	POST, rule rejection	867
SCR 138	Mountain standard time	867
SCR 139	State police, rule rejection	868
SCR 140	State hospital south, nursing	869
SCR 143	Campaign finance committee	870
SCR 146	Occ licensing, interim committee	871
SCR 148	Session laws, limited printing	872
SCR 149	Admin rules, fees	872
SCR 150	Administrative temporary rules	873
SJM 104	Agricultural transport	848
HCR 30	State of the state	874
HCR 33	Fish and game rule rejection	874
HCR 34	Boundary County library district	875
HCR 36	Childhood cancer, DIPG	876
HCR 38	Eating disorders awareness week	877
HCR 39	Winter olympics	878
HCR 40	Joint rule 16	879
HCR 41	Group insurance committee	879
HCR 43	Organ donation, awareness	880
HCR 44	Diocese of Boise	881
HCR 45	Hearing devices	883
HCR 46	Board of dentistry, rule rejection	884
HCR 47	Health and welfare, TAFI	884
HCR 48	Marilyn Shuler, honoring	885
HCR 49	Public school funding, committee	887
HCR 50	Pornography, public health hazard	889
HCR 51	State buildings, study group	890
HCR 53	Michael Nugent, honoring	891
HCR 54	Jerry Kramer, honoring	892
HCR 55	Juvenile corr, rule rejection	893
HCR 56	Public defense, rule rejection	894
HCR 57	Pardons, parole, rule rejection	894
HCR 58	Sheila Olsen, honoring	895
HCR 62	PERSI, rule rejection	896

HJM 10	Stibnite mining project	850
HJM 11	Columbia river treaty	851
HJM 12	Commercial drivers, requirements	853
HJM 14	National monument designation	854

NUMERICAL LIST OF EXECUTIVE ORDERS

2017-05	Continuing the Idaho Invasive Species Council	900
2017-06	Licensure Requirements, Employment Opportunities	902
2017-07	Health Care Advisory Panel	904
2017-08	Deferred Compensation Program for State Employees	906
2017-09	Energy Emergency, Fuel Demands	907
2017-10	Re-establishing the Idaho Medal of Achievement	908
2017-11	Leadership in Nuclear Energy Commission 3.0	910
2017-12	Workforce Development Council	912
2017-13	Workforce Development Council	914
2018-01	Connected Vehicle Testing and Deployment Committee ...	916
2018-02	Restoring Choice in Health Insurance for Idahoans	919
2018-03	Continuing the Idaho Criminal Justice Commission	920

APPENDIX

IDAHO STATE OFFICIAL DIRECTORY

ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS

Senator Mike Crapo (R)
251 E. Front St., Ste. 205
Boise, Idaho 83702

Senator James E. Risch (R)
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REPRESENTATIVES IN CONGRESS

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Mike Simpson (R), Second District
802 W. Bannock, Ste. 600
Boise, Idaho 83702

STATE ELECTED OFFICIALS

GOVERNOR C.L. "Butch" Otter (R)

LIEUTENANT GOVERNOR Brad Little (R)

SECRETARY OF STATE Lawrence Denney (R)

STATE CONTROLLER Brandon D Woolf (R)

STATE TREASURER Ron G. Crane (R)

ATTORNEY GENERAL Lawrence Wasden (R)

SUPERINTENDENT OF PUBLIC INST. Sherri Ybarra (R)

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 CHAIR-Finance
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 Economic Outlook and Revenue Assessment Committee;
 Transportation

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2 - KOOTENAI COUNTY

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3 - KOOTENAI COUNTY

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Marv Hagedorn (R) Senate 3rd Term
 Served 3 terms, House 2007-2012
 5285 W. Ridgeside Street, Meridian 83646
 Home 867-5643
 Email: mhagedorn@senate.idaho.gov
 Retired Naval Officer/Business Executive
 VICE CHAIR-State Affairs
 Judiciary & Rules; Transportation

Spouse - Patty

Mike Moyle (R) House Seat A 10th Term
 MAJORITY LEADER
 480 N. Plummer Road, Star 83669
 Home 286-7842 Bus 286-7842
 Email: mmoyle@house.idaho.gov
 Agribusiness
 Legislative Council; Resources & Conservation; Revenue &
 Taxation; Ways & Means

Spouse - Janet

Gayann DeMordaunt (R) House Seat B 1st Term
 1017 S. Arbor Island Way, Eagle 83616
 Home 938-4845
 Email: gdemordaunt@house.idaho.gov
 Small Business Owner/Homemaker
 Business; Education; Transportation & Defense

Spouse - Reed

15 - ADA COUNTY

Fred S. Martin (R) Senate 3rd Term
 3672 Tumbleweed Place, Boise 83713
 Home 447-9000
 Email: fmartin@senate.idaho.gov
 Retired Teacher/Businessman and CEO
 CO-CHAIR-Economic Outlook and Revenue Assessment
 Committee
 VICE CHAIR-Finance/JFAC
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Health & Welfare; Joint Millennium Fund
 Committee

Spouse - Darla

Lynn M. Luker (R) House Seat A 6th Term
 514 S. El Blanco Drive, Boise 83709
 Home 375-8254 Bus 343-0022 FAX 375-0501
 Email: lluker@house.idaho.gov
 Attorney
 CHAIR-Judiciary, Rules & Administration
 Local Government; State Affairs

Spouse - Helen

Patrick McDonald (R) House Seat B 3rd Term
 13359 W. Annabrook Drive, Boise 83713
 Home 938-1329
 Email: pmedonald@house.idaho.gov
 Law Enforcement Executive (Retired)
 VICE CHAIR-Education
 Judiciary, Rules & Administration; Transportation & Defense

Spouse - Sarah Jane

16 - ADA COUNTY

Grant Burgoyne (D) Senate 2nd Term
 Served 3 terms, House 2008-2014
 2203 Mountain View Drive, Boise 83706
 Home 377-5729 Bus 336-1788
 Email: gburgoyne@senate.idaho.gov
 Attorney
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Economic Outlook and Revenue Assessment
 Committee; Joint Millennium Fund Committee; Judiciary & Rules;
 Legislative Council; Local Government & Taxation

Spouse - Christy

John McCrostie (D) House Seat A 2nd Term
 7820 W. Riverside Drive, Garden City 83714
 Home 440-8317
 Email: jmccrostie@house.idaho.gov
 Teacher
 Education; Judiciary, Rules & Administration; Local Government

Spouse - Dave Navarro

Hy Kloc (D) House Seat B 3rd Term
 3932 Oak Park Place, Boise 83703
 Home 343-8465
 Email: hkloc@house.idaho.gov
 Boise State Public Radio (Retired)
 Business; State Affairs

Spouse - Joan L. Wallace

LEGISLATORS BY DISTRICT (Continued)

17 - ADA COUNTY

Maryanne Jordan (D) Senate 2nd Term
 MINORITY CAUCUS CHAIR
 312 N. Atlantic Street, Boise 83706
 Home 859-1931
 Email: mjordan@senate.idaho.gov Spouse - Rocky
 Agricultural Affairs; Health & Welfare; Resources & Environment

John Gannon (D) House Seat A 3rd Term
 Served 1 term, House 1990-1992
 1104 S. Johnson Street, Boise 83705
 Home 343-1608 Bus 433-0629
 Email: jgannon@house.idaho.gov
 Attorney Spouse - Bev
 Economic Outlook and Revenue Assessment Committee; Judiciary,
 Rules & Administration; Revenue & Taxation; Transportation &
 Defense

Sue Chew (D) House Seat B 6th Term
 1304 Lincoln Avenue, Boise 83706
 Home 332-1049
 Email: schew@house.idaho.gov
 Licensed Pharmacist/Adjunct Professor
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Health & Welfare; Local Government

18 - ADA COUNTY

Janie Ward-Engelking (D) Senate 3rd Term
 Served 1 term, House 2012-2013
 3578 S. Crosspoint Avenue, Boise 83706
 Home 385-9564
 Email: jwardengelking@senate.idaho.gov
 Teacher (Retired) Spouse - Kay Frank Engelking
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Education; Finance/JFAC; Joint Millennium
 Fund Committee

Iana Rubel (D) House Seat A 3rd Term
 ASSISTANT MINORITY LEADER
 2750 Migratory Drive, Boise 83706
 Home 866-4776
 Email: irubel@house.idaho.gov
 Attorney
 Environment, Energy & Technology; Health & Welfare; Resources
 & Conservation; Ways & Means

Phylis K. King (D) House Seat B 6th Term
 2107 Palouse Street, Boise 83705
 Home 344-0202 Bus 344-0202
 Email: pking@house.idaho.gov
 Commercial Photographer
 Appropriations/JFAC; Change in Employee Compensation
 Committee; Commerce & Human Resources; Joint Millennium
 Fund Committee; Legislative Council; Transportation & Defense

19 - ADA COUNTY

Cherie Buckner-Webb (D) Senate 3rd Term
 Served 1 term, House 2010-2012
 ASSISTANT MINORITY LEADER
 2304 W. Bella St., Boise 83702
 Home 343-2650 Bus 861-5482
 Email: cbucknerwebb@senate.idaho.gov
 Owner/Principal - Sojourner Coaching Spouse - Henry Webb
 Education; Joint Legislative Oversight/JLOC; Legislative Council;
 State Affairs; Transportation

Mathew W. "Mat" Erpelding (D) House Seat A 3rd Term
 MINORITY LEADER
 P.O. Box 1697, Boise 83701
 Home 856-0291
 Email: merpelding@house.idaho.gov
 Owner - Leadership Development Spouse - Elizabeth
 Firm/Outfitter and Guide
 COCHAIR-Joint Legislative Oversight/JLOC
 Agricultural Affairs; Economic Outlook and Revenue Assessment
 Committee; Legislative Conference Committee; Legislative
 Council; Resources & Conservation; Revenue & Taxation; Ways &
 Means

Melissa Wintrow (D) House Seat B 2nd Term
 1711 Ridenbaugh Street, Boise 83702
 Home 332-1076
 Email: mwintrow@house.idaho.gov
 Education
 Appropriations/JFAC; Joint Millennium Fund Committee;
 Judiciary, Rules & Administration; Transportation & Defense

20 - ADA COUNTY

Chuck Winder (R) Senate 5th Term
 MAJORITY LEADER
 5528 N. Ebbetts Avenue, Boise 83713
 Home 853-9090
 Email: cwinder@senate.idaho.gov
 Businessman Spouse - Dianne
 Education; Legislative Council; State Affairs; Transportation

Joe Palmer (R) House Seat A 5th Term
 1524 N. Meridian Road, Meridian 83642
 Bus 887-9488
 Email: jpalmer@house.idaho.gov
 Self-employed Spouse - Leslie
 CHAIR-Transportation & Defense
 CO-CHAIR-Legislative Conference Committee
 Business; Economic Outlook and Revenue Assessment Committee;
 State Affairs

James Holtzclaw (R) House Seat B 3rd Term
 3720 N. Heritage View Avenue, Meridian 83646
 Home 284-9542
 Email: jholtzclaw@house.idaho.gov
 Real Estate Broker/Small Business
 Owner
 Change in Employee Compensation Committee; Commerce &
 Human Resources; State Affairs; Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

21 - ADA COUNTY

Clifford R. Bayer (R) Senate 3rd Term
 Served 5 terms, House 2002-2012
 592 E. Saint Kitts Drive, Meridian 83642
 Home 362-5058 FAX 362-5058
 Email: cbayer@senate.idaho.gov
 Medical Research Scientist Spouse - Nicole
 VICE CHAIR-Local Government & Taxation
 COCHAIR-Joint Legislative Oversight/JLOC
 Agricultural Affairs; Economic Outlook and Revenue Assessment
 Committee; Resources & Environment

Steven Harris (R) House Seat A 3rd Term
 851 E. Martinique Drive, Meridian 83642
 Home 861-8638
 Email: sharris@house.idaho.gov
 Business Owner Spouse - Wendy
 Change in Employee Compensation Committee; Commerce &
 Human Resources; State Affairs; Transportation & Defense

Thomas Dayley (R) House Seat B 3rd Term
 4892 S. Willandra Way, Boise 83709
 Home 562-0276
 Email: tdayley@house.idaho.gov
 Retired Spouse - Catherine
 VICE CHAIR-Agricultural Affairs
 Judiciary, Rules & Administration; Revenue & Taxation

22 - ADA COUNTY

Lori Den Hartog (R) Senate 2nd Term
 P.O. Box 267, Meridian 83680
 Home 779-2022
 Email: ldenhartog@senate.idaho.gov
 Homemaker Spouse - Scott
 VICE CHAIR-Agricultural Affairs
 Education; Transportation

John Vander Woude (R) House Seat A 4th Term
 Served 1 term, House 2006-2008
 MAJORITY CAUCUS CHAIR
 5311 Ridgewood Road, Nampa 83687
 Home 888-4210
 Email: jvanderwoude@house.idaho.gov
 Farmer Spouse - Judy
 Environment, Energy & Technology; Health & Welfare; Legislative
 Conference Committee; Resources & Conservation; Ways & Means

Jason A. Monks (R) House Seat B 3rd Term
 3865 S. Black Cat Road, Nampa 83687
 Bus 884-8684 FAX 895-8013
 Email: jmonks@house.idaho.gov
 Small Business Owner Spouse - Shelley
 VICE CHAIR-State Affairs
 Business; Legislative Council; Transportation & Defense

23 - ELMORE, OWYHEE & TWIN FALLS COUNTIES

Bert Brackett (R) Senate 6th Term
 Served 2 terms, House 2005-2008
 48331 Three Creek Highway, Rogerson 83302
 Home 857-2217
 Email: bbrackett@senate.idaho.gov
 Rancher Spouse - Paula
 CHAIR-Transportation
 CO-CHAIR-Legislative Conference Committee
 Resources & Environment

Christy Zito (R) House Seat A 1st Term
 8821 Old Highway 30, Hammett 83627
 Home 590-4633
 Email: czito@house.idaho.gov
 Homemaker
 Agricultural Affairs; Judiciary, Rules & Administration; State
 Affairs

Megan Blanksma (R) House Seat B 1st Term
 595 S. Thacker Road, Hammett 83627
 Home 366-7976 Bus 366-2349 FAX 366-2370
 Email: mblanksma@house.idaho.gov
 Agribusiness Owner/Operator Spouse - Jeffery
 Health & Welfare; Resources & Conservation; Transportation &
 Defense

24 - TWIN FALLS COUNTY

Lee Heider (R) Senate 4th Term
 1631 Richmond Drive, Twin Falls 83301
 Home 731-1631 Bus 731-1631
 Email: lheider@senate.idaho.gov
 Contractor/Broker (Retired) Spouse - Jan
 CHAIR-Health & Welfare
 Resources & Environment

Lance W. Clow (R) House Seat A 3rd Term
 2170 Bitterroot Drive, Twin Falls 83301
 Home 733-5767
 Email: lclow@house.idaho.gov
 Personal Financial Advisor (Retired) Spouse - DeeDee
 VICE CHAIR-Business
 Economic Outlook and Revenue Assessment Committee;
 Education; Local Government

Stephen Hartgen (R) House Seat B 5th Term
 1681 Wildflower Lane, Twin Falls 83301
 Home 733-5790 Bus 733-5790 FAX 733-5790
 Email: shartgen@house.idaho.gov
 Business Consultant/Economic Spouse - Linda
 Development
 CHAIR-Commerce & Human Resources
 Change in Employee Compensation Committee; Environment,
 Energy & Technology; Joint Millennium Fund Committee;
 Revenue & Taxation

LEGISLATORS BY DISTRICT (Continued)

25 - JEROME & TWIN FALLS COUNTIES

Jim L. Patrick (R) Senate 3rd Term
 Served 3 terms, House 2006-2012
 2231 E. 3200 N., Twin Falls 83301
 Home 733-6897 Bus 733-6897 FAX 733-6897
 Email: jpatrick@senate.idaho.gov
 Farmer Spouse - Afton
 CHAIR-Commerce & Human Resources
 CO-CHAIR-Change in Employee Compensation Committee
 Agricultural Affairs; Local Government & Taxation

Maxine T. Bell (R) House Seat A 15th Term
 194 S. 300 E., Jerome 83338
 Home 324-4296
 Email: mbell@house.idaho.gov
 Farmer/School Librarian (Retired) Spouse - H. Jack
 CHAIR-Appropriations
 CO-CHAIR-JFAC
 Agricultural Affairs; Joint Legislative Oversight/JLOC

Clark Kauffman (R) House Seat B 3rd Term
 3791 N. 2100 E., Filer 83328
 Home 326-4131 FAX 326-4132
 Email: ckauffman@house.idaho.gov
 Farmer Spouse - Debbie
 ACT. VICE CHAIR-Revenue & Taxation
 Legislative Council; Resources & Conservation; Transportation &
 Defense

26 - BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

Michelle Stennett (D) Senate 4th Term
 MINORITY LEADER
 P.O. Box 475, Ketchum 83340
 Home 726-8106
 Email: mstennett@senate.idaho.gov
 Self-employed
 Joint Legislative Oversight/JLOC; Legislative Council; Resources
 & Environment; State Affairs

Steven Miller (R) House Seat A 3rd Term
 1208 E. 200 N., Fairfield 83327
 Home 764-2560
 Email: smiller@house.idaho.gov
 Farmer/Rancher Spouse - Cheryl
 Agricultural Affairs; Appropriations/JFAC; Economic Outlook and
 Revenue Assessment Committee; Resources & Conservation

Sally Toone (D) House Seat B 1st Term
 2096 E. 1500 S., Gooding 83330
 Home 934-8114 FAX 934-8114
 Email: stoone@house.idaho.gov
 Educator Spouse - Mark
 Agricultural Affairs; Business; Education; Legislative Council

27 - CASSIA & MINIDOKA COUNTIES

Kelly Arthur Anthon (R) Senate 2nd Term
 MAJORITY CAUCUS CHAIR
 725 E. 300 S., Burley 83318
 Home 654-4099
 Email: kanthon@senate.idaho.gov
 Attorney/City Administrator Spouse - Joelle
 Economic Outlook and Revenue Assessment Committee; Judiciary
 & Rules; State Affairs

Scott Bedke (R) House Seat A 9th Term
 SPEAKER OF THE HOUSE
 P.O. Box 89, Oakley 83346
 Home 862-3619
 Email: sbedke@house.idaho.gov
 Rancher Spouse - Sarah
 Legislative Council

Fred Wood (R) House Seat B 6th Term
 P.O. Box 1207, Burley 83318-0828
 Home 312-1056
 Email: fwood@house.idaho.gov
 Physician (Retired) Spouse - Amy
 CHAIR-Health & Welfare
 CO-CHAIR-Joint Millennium Fund Committee
 Change in Employee Compensation Committee; Resources &
 Conservation

28 - BANNOCK & POWER COUNTIES

Jim Guthrie (R) Senate 3rd Term
 Served 1 term, House 2010-2012
 P.O. Box 12, Inkom 83245
 Home 251-9303
 Email: jguthrie@senate.idaho.gov
 Rancher/Business Owner
 VICE CHAIR-Commerce & Human Resources
 Agricultural Affairs; Change in Employee Compensation
 Committee; Education

Randy Armstrong (R) House Seat A 1st Term
 P.O. Box 8, Inkom 83245
 Home 251-8157
 Email: armstrong@house.idaho.gov
 Retired Spouse - Paige
 Agricultural Affairs; Business; State Affairs

Kelley Packer (R) House Seat B 3rd Term
 P.O. Box 147, McCammon 83250
 Home 241-3350 Bus 478-4522 FAX 478-2935
 Email: kpacker@house.idaho.gov
 Office Manager Spouse - Duane
 VICE CHAIR-Health & Welfare
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

29 - BANNOCK COUNTY

Mark Nye (D) Senate 1st Term
 Served 1 term, House 2014-2016
 P.O. Box N, Pocatello 83205-0040
 Home 221-6109
 Email: mnye@senate.idaho.gov
 Country Lawyer Spouse - Eva
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Judiciary & Rules; Local Government & Taxation

Dustin Manwaring (R) House Seat A 1st Term
 1469 W. Quinn Road, Pocatello 83202
 Home 252-5295 Bus 252-5295 FAX (858) 228-1776
 Email: dmanwaring@house.idaho.gov
 Attorney Spouse - Whitney
 Business; Economic Outlook and Revenue Assessment Committee;
 Local Government; State Affairs

Elaine Smith (D) House Seat B 9th Term
 MINORITY CAUCUS CHAIR
 3759 Heron Avenue, Pocatello 83201
 Home 237-1462
 Email: esmith@house.idaho.gov
 Retired Spouse - Rich
 Business; Economic Outlook and Revenue Assessment Committee;
 Environment, Energy & Technology; Joint Legislative
 Oversight/JLOC; State Affairs; Ways & Means

30 - BONNEVILLE COUNTY

Dean M. Mortimer (R) Senate 5th Term
 Served 1 term, House 2007-2008
 7403 S. 1st East, Idaho Falls 83404
 Home 709-2810 Bus 524-9004 FAX 524-9999
 Email: dmortimer@senate.idaho.gov
 Builder/Developer Spouse - Judy
 CHAIR-Education
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC;

Jeff Thompson (R) House Seat A 5th Term
 1739 Peggy's Lane, Idaho Falls 83402
 Home 524-7367
 Email: jthompson@house.idaho.gov
 Businessman/Educator Spouse - Chanin
 VICE CHAIR-Environment, Energy & Technology
 Business; Economic Outlook and Revenue Assessment Committee;
 Revenue & Taxation

Wendy Horman (R) House Seat B 3rd Term
 1860 Heather Circle, Idaho Falls 83406
 Home 522-4387
 Email: WendyHorman@house.idaho.gov
 Small Business Owner Spouse - Briggs
 Appropriations/JFAC; Commerce & Human Resources;
 Environment, Energy & Technology;

31 - BINGHAM COUNTY

Steve Bair (R) Senate 6th Term
 947 W. 200 S., Blackfoot 83221
 Home 684-5209 FAX 684-5209
 Email: sbair@senate.idaho.gov
 Agriservice Sales/Retired Farmer Spouse - Lori Kae
 CHAIR-Resources & Environment
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Legislative Council

Neil A. Anderson (R) House Seat A 3rd Term
 71 S. 700 W., Blackfoot 83221
 Home 684-3723
 Email: nananderson@house.idaho.gov
 Retired Financial Advisor/Rancher Spouse - Sue
 CO-CHAIR-Change in Employee Compensation Committee
 VICE CHAIR-Commerce & Human Resources
 Appropriations/JFAC; Environment, Energy & Technology;

Julie VanOrden (R) House Seat B 3rd Term
 425 S. 1100 W., Pingree 83262
 Home 684-4052 Bus 684-4052
 Email: jvanorden@house.idaho.gov
 Agribusiness Co-owner/Homemaker Spouse - Garth
 CHAIR-Education
 Agricultural Affairs

32 - BEAR LAKE, BONNEVILLE, CARIBOU, FRANKLIN, ONEIDA & TETON COUNTIES

Mark Harris (R) Senate 2nd Term
 1619 8-Mile Creek Road, Soda Springs 83276
 Home 547-3360
 Email: mharris@senate.idaho.gov
 Rancher Spouse - Cheryl
 Agricultural Affairs; Health & Welfare; Joint Legislative
 Oversight/JLOC; Transportation

Marc Gibbs (R) House Seat A 5th Term
 632 Highway 34, Grace 83241
 Home 425-3385 Bus 425-3337
 Email: mgibbs@house.idaho.gov
 Farmer Spouse - Bonne
 CHAIR-Resources & Conservation
 Economic Outlook and Revenue Assessment Committee; Revenue
 & Taxation

Thomas F. Loertscher (R) House Seat B 7th Term
 Served 8 terms, House 1986-2002
 1357 Bone Road, Iona 83427
 Home 522-3072
 Email: tloertscher@house.idaho.gov
 Farmer/Rancher Spouse - Linda
 CHAIR-State Affairs

LEGISLATORS BY DISTRICT (Continued)

33 - BONNEVILLE COUNTY

Antony L. "Tony" Potts (R) Senate 1st Term
 945 North Boulevard, Idaho Falls 83402
 Home 881-1806
 Email: tpotts@senate.idaho.gov
 RV Outfitter Spouse - Nicole
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Health & Welfare; Judiciary & Rules

Barbara Ehardt (R) House Seat A 1st Term
 961 J Street, Idaho Falls 83402
 Home 332-1189 Bus 529-8600
 Email: behardt@house.idaho.gov
 Manager - Athletic Club
 Education; Environment, Energy & Technology; Judiciary, Rules &
 Administration

Bryan Zollinger (R) House Seat B 1st Term
 2355 S. Bellin Road, Idaho Falls 83402
 Home 206-3086 Bus 524-0731
 Email: bzollinger@house.idaho.gov
 Attorney Spouse - Shara
 Health & Welfare; Judiciary, Rules & Administration; Local
 Government

34 - BONNEVILLE & MADISON COUNTIES

Brent Hill (R) Senate 9th Term
 PRESIDENT PRO TEMPORE
 1010 S. 2nd East, Rexburg 83440
 Home 356-7495
 Statehouse: Ph null
 Email: bhill@senate.idaho.gov
 Certified Public Accountant (Retired) Spouse - Julie
 Legislative Council; Local Government & Taxation; State Affairs

Ronald Nate (R) House Seat A 2nd Term
 2139 Ferris Lane, Rexburg 83440
 Home 403-3609
 Email: nater@house.idaho.gov
 Economics Professor Spouse - Maria
 Environment, Energy & Technology; Judiciary, Rules &
 Administration; Revenue & Taxation

Dell Raybould (R) House Seat B 9th Term
 3215 N. 2000 W., Rexburg 83440
 Home 356-6837 Bus 356-6837
 Email: draybould@house.idaho.gov
 Farmer/Businessman Spouse - Vera
 CHAIR-Environment, Energy & Technology
 Resources & Conservation; Revenue & Taxation

35 - BUTTE, CLARK, FREMONT & JEFFERSON COUNTIES

Jeff C. Siddoway (R) Senate 6th Term
 1764 E. 1200 N., Terreton 83450
 Home 663-4585 FAX 663-4428
 Email: jsiddoway@senate.idaho.gov
 Rancher Spouse - Cindy
 CHAIR-State Affairs
 VICE CHAIR-Resources & Environment
 Local Government & Taxation

Van T. Burtenshaw (R) House Seat A 2nd Term
 1329 E. 1500 N., Terreton 83450
 Home 663-4607 Bus 663-4469 FAX 663-4760
 Email: vburtenshaw@house.idaho.gov
 Farmer/Rancher Spouse - Joan "Joni" Marie
 Agricultural Affairs; Appropriations/JFAC; Resources &
 Conservation

Karey Hanks (R) House Seat B 1st Term
 463 N. 1800 E., St. Anthony 83445
 Home 313-3911
 Email: khanks@house.idaho.gov
 Homemaker/Bus Driver Spouse - Burke
 Agricultural Affairs; Health & Welfare; Judiciary, Rules &
 Administration

