

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 113

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 5-347, IDAHO CODE, AS
3 ENACTED BY SECTION 1, CHAPTER 256, LAWS OF 2024, TO REDESIGNATE THE SEC-
4 TION; AMENDING SECTION 14-5-201, IDAHO CODE, TO PROVIDE A CORRECT CODE
5 REFERENCE; AMENDING SECTION 14-5-202, IDAHO CODE, TO PROVIDE A CORRECT
6 CODE REFERENCE; AMENDING SECTION 14-5-203, IDAHO CODE, TO PROVIDE A
7 CORRECT CODE REFERENCE; AMENDING SECTION 14-5-204, IDAHO CODE, TO PRO-
8 VIDE A CORRECT CODE REFERENCE; AMENDING SECTION 14-5-206, IDAHO CODE,
9 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 14-5-207, IDAHO
10 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 16-1648,
11 IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 64, LAWS OF 2024, TO RE-
12 DESIGNATE THE SECTION; AMENDING SECTION 18-1511, IDAHO CODE, TO REMOVE
13 SURPLUS VERBIAGE; AMENDING SECTION 18-8603, IDAHO CODE, TO MAKE TECH-
14 NICAL CORRECTIONS; AMENDING SECTION 18-8608, IDAHO CODE, TO PROVIDE A
15 CORRECT CODE REFERENCE; AMENDING SECTION 19-6005, IDAHO CODE, TO MAKE
16 TECHNICAL CORRECTIONS; AMENDING SECTION 19-6009, IDAHO CODE, TO MAKE
17 A TECHNICAL CORRECTION; AMENDING SECTION 22-3404, IDAHO CODE, TO PRO-
18 VIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-29-863, IDAHO CODE,
19 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1004E, IDAHO
20 CODE, TO REMOVE SURPLUS VERBIAGE; AMENDING SECTION 41-5602, IDAHO CODE,
21 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 42-233c, IDAHO CODE,
22 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-1613, IDAHO CODE,
23 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-1810, IDAHO
24 CODE, TO REMOVE SURPLUS VERBIAGE; AMENDING SECTION 54-2018, IDAHO CODE,
25 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-5504, IDAHO CODE,
26 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 55-3203, IDAHO CODE,
27 TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 56-270, IDAHO CODE,
28 AS ENACTED BY SECTION 1, CHAPTER 204, LAWS OF 2024, TO REDESIGNATE THE
29 SECTION; AMENDING SECTION 56-270, IDAHO CODE, AS ENACTED BY SECTION 1,
30 CHAPTER 288, LAWS OF 2024, TO REDESIGNATE THE SECTION; AMENDING SEC-
31 TION 56-270, IDAHO CODE, AS ENACTED BY SECTION 3, CHAPTER 209, LAWS OF
32 2024, TO REDESIGNATE THE SECTION; AMENDING SECTION 56-270, IDAHO CODE,
33 AS ENACTED BY SECTION 1, CHAPTER 149, LAWS OF 2024, TO REDESIGNATE THE
34 SECTION; AMENDING CHAPTER 19, TITLE 56, IDAHO CODE, AS ENACTED BY SEC-
35 TION 1, CHAPTER 224, LAWS OF 2024, TO REDESIGNATE THE CHAPTER; AMENDING
36 CHAPTER 19, TITLE 56, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 264,
37 LAWS OF 2024, TO REDESIGNATE THE CHAPTER, TO PROVIDE CORRECT CODE REF-
38 ERENCES, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 66-906,
39 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION
40 67-2360, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 37, LAWS OF 2024,
41 TO REDESIGNATE THE SECTION; AMENDING SECTION 67-2601, IDAHO CODE, TO
42 MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 67-2614, IDAHO CODE, TO
43 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-2921, IDAHO CODE, TO
44 PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION;
45 AMENDING SECTION 67-5909B, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER

1 112, LAWS OF 2024, TO REDESIGNATE THE SECTION; AMENDING SECTION 72-451,
 2 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMER-
 3 GENCY AND PROVIDING AN EFFECTIVE DATE.

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

5 SECTION 1. That Section 5-347, Idaho Code, as enacted by Section 1,
 6 Chapter 256, Laws of 2024, be, and the same is hereby amended to read as fol-
 7 lows:

8 ~~5-347~~ 5-348. IMMUNITY OF VOLUNTEER SECURITY PERSONNEL -- RELIGIOUS
 9 ORGANIZATIONS. (1) For the purposes of this section:

10 (a) "Person" means an individual.

11 (b) "Religious organization" means a body or community of persons
 12 united as individuals or as an entity, under one (1) form of government,
 13 by profession of the same faith and the observance of the same rituals or
 14 ceremonies as members or attendees of a bona fide church, synagogue, or
 15 house of worship.

16 (c) "Security personnel" means persons who provide safety, security,
 17 or protection for a religious organization as authorized by the reli-
 18 gious organization to benefit persons in attendance at a meeting or
 19 other gathering held at, or sponsored by, the religious organization.

20 (d) "Volunteer" means a person who provides services without any ex-
 21 press or implied promise of remuneration.

22 (2) No action shall lie or be maintained for civil damages in any court
 23 of this state against any volunteer security personnel of a religious organ-
 24 ization for providing safety, security, or protection services for the re-
 25 ligious organization or against the religious organization for which such
 26 volunteer security personnel provided safety, security, or protection ser-
 27 vices.

28 (a) The immunity provided by this section shall apply to and include
 29 safety, security, or protection provided by use of nonlethal or lethal
 30 force.

31 (b) The immunity provided by this section shall not apply to or include
 32 acts or omissions that arise out of unreasonable, reckless, grossly
 33 negligent, or wanton actions or conduct.

34 SECTION 2. That Section 14-5-201, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 14-5-201. WHEN PROPERTY PRESUMED ABANDONED. (1) Subject to the provi-
 37 sions of section ~~14-5-210~~ 14-5-209, Idaho Code, the following property is
 38 presumed abandoned if it is unclaimed by the apparent owner during the speci-
 39 fied period:

40 (a) A traveler's check, fifteen (15) years after issuance;

41 (b) A money order, seven (7) years after issuance;

42 (c) A corporate bond, bearer bond, or original issue discount bond,
 43 five (5) years after the earliest of the date the bond matures or is
 44 called or the obligation to pay the principal of the bond arises;

45 (d) A demand savings or time deposit, including a deposit that is auto-
 46 matically renewable, five (5) years after the later of the date of matu-

1 rity, if applicable, or the date of the last indication of interest in
2 the property by the apparent owner. However, a deposit that is automat-
3 ically renewable is deemed matured on its initial date of maturity plus
4 one (1) annual renewal;

5 (e) Money or a credit owed to a customer as a result of a retail business
6 transaction, other than in-store credit for returned merchandise, five
7 (5) years after the obligation arose;

8 (f) An amount owed by an insurance company on a life or endowment insur-
9 ance policy or an annuity contract that has matured or terminated, five
10 (5) years after the obligation to pay arose under the terms of the pol-
11 icy or contract or, if a policy or contract for which an amount is owed on
12 proof of death has not matured by proof of the death of the insured or an-
13 nuitant, as follows:

14 (i) With respect to an amount owed on a life or endowment insur-
15 ance policy, five (5) years after the earlier of the date:

16 1. The insurance company has knowledge of the death of the
17 insured; or

18 2. The insured has attained, or would have attained if liv-
19 ing, the limiting age under the mortality table on which the
20 reserve for the policy is based; and

21 (ii) With respect to an amount owed on an annuity contract, five
22 (5) years after the date the insurance company has knowledge of the
23 death of the annuitant;

24 (g) Property distributable by a business association in the course of
25 dissolution, one (1) year after the property becomes distributable;

26 (h) Property held by a court, including property received as pro-
27 ceeds of a class action, one (1) year after the property becomes dis-
28 tributable;

29 (i) Property held by a government or governmental subdivision, agency,
30 or instrumentality, including municipal bond interest and unredeemed
31 principal under the administration of a paying agent or indenture
32 trustee, one (1) year after the property becomes distributable;

33 (j) Wages, commissions, bonuses, or reimbursements to which an em-
34 ployee is entitled or other compensation for personal services, other
35 than a payroll card converted balance as defined in section 14-5-102,
36 Idaho Code, one (1) year after the amount becomes payable;

37 (k) A deposit or refund owed to a subscriber by a utility, one (1) year
38 after the deposit or refund becomes payable;

39 (l) Funds on deposit or held in trust for the prepayment of a funeral or
40 other funeral-related expenses other than burial rights, the earliest
41 of:

42 (i) Two (2) years after the date of death of the beneficiary;

43 (ii) One (1) year after the date the beneficiary has attained, or
44 would have attained if living, the age of one hundred five (105)
45 years where the holder does not know whether the beneficiary is de-
46 ceased; or

47 (iii) Thirty (30) years after the contract for prepayment was exe-
48 cuted.

49 (m) Funds from the termination of a defined contribution or other re-
50 tirement plan where the apparent owner is a missing participant and the

1 plan fiduciary is unable to or elects not to distribute missing partic-
 2 ipant benefits into an individual retirement account, as soon as admin-
 3 istratively feasible after the date of plan termination; and

4 (n) Property not specified in this section or sections 14-5-202 through
 5 14-5-208, Idaho Code, the earlier of five (5) years after the owner
 6 first has a right to demand the property or the obligation to pay or dis-
 7 tribute the property arises.

8 (2) Notwithstanding the provisions of subsection (1) of this section,
 9 and subject to the provisions of section 14-5-209, Idaho Code:

10 (a) If the holder has imposed a charge against property for reason of
 11 inactivity or the failure of the owner to claim the property within a
 12 specified period of time, and the abandonment period for the property
 13 pursuant to subsection (1) of this section is greater than five (5)
 14 years, the property shall instead be presumed abandoned five (5) years
 15 from the owner's last indication of interest in the property; and

16 (b) A deceased owner cannot indicate interest in the owner's property.
 17 If the owner is deceased, and the abandonment period for the owner's
 18 property as specified in subsection (1) of this section is greater than
 19 two (2) years, the property shall instead be presumed abandoned two (2)
 20 years from the date of the owner's last indication of interest in the
 21 property.

22 SECTION 3. That Section 14-5-202, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 14-5-202. WHEN TAX-DEFERRED RETIREMENT ACCOUNT PRESUMED ABAN-
 25 DONED. (1) Subject to the provisions of section ~~14-5-210~~ 14-5-209, Idaho
 26 Code, property held in a pension account or retirement account that qual-
 27 ifies for tax deferral under the income tax laws of the United States is
 28 presumed abandoned if it is unclaimed by the apparent owner three (3) years
 29 after the later of:

30 (a) The following dates:

31 (i) Except as provided in subparagraph (ii) of this paragraph,
 32 the date a second consecutive communication sent by the holder by
 33 first class United States mail to the apparent owner is returned to
 34 the holder undelivered by the United States postal service; or

35 (ii) If the second communication is sent later than thirty (30)
 36 days after the date the first communication is returned undeliv-
 37 ered, the date the first communication was returned undelivered by
 38 the United States postal service; or

39 (b) The earlier of the following dates:

40 (i) The date specified in the income tax laws of the United States
 41 by which distribution of the property must begin in order to avoid
 42 a tax penalty, if reasonably determinable by the holder; or

43 (ii) One (1) year after the date of mandatory distribution follow-
 44 ing death if the Internal Revenue Code, as amended, 26 U.S.C. 1, et
 45 seq., requires distribution to avoid a tax penalty and the holder:

46 1. Receives confirmation of the death of the apparent owner
 47 in the ordinary course of its business; or

48 2. Confirms the death of the apparent owner under subsection
 49 (2) of this section.

1 (2) If a holder in the ordinary course of its business receives notice
 2 or an indication of the death of an apparent owner and subsection (1) (b) of
 3 this section applies, the holder shall attempt no later than ninety (90) days
 4 after receipt of the notice or indication to confirm whether the apparent
 5 owner is deceased.

6 (3) If the holder does not send communications to the apparent owner of
 7 an account described in subsection (1) of this section by first class United
 8 States mail, the holder shall attempt to confirm the apparent owner's inter-
 9 est in the property by sending the apparent owner an electronic mail communi-
 10 cation no later than two (2) years after the apparent owner's last indication
 11 of interest in the property. However, the holder shall promptly attempt to
 12 contact the apparent owner by first class United States mail if:

13 (a) The holder does not have information needed to send the apparent
 14 owner an electronic mail communication or the holder believes that the
 15 apparent owner's electronic mail address in the holder's records is not
 16 valid;

17 (b) The holder receives notification that the electronic mail communi-
 18 cation was not received; or

19 (c) The apparent owner does not respond to the electronic mail communi-
 20 cation no later than thirty (30) days after the communication was sent.

21 (4) If first class United States mail sent under subsection (3) of this
 22 section is returned to the holder undelivered by the United States postal
 23 service, the property is presumed abandoned three (3) years after the later
 24 of:

25 (a) Except as provided in paragraph (b) of this subsection, the date a
 26 second consecutive communication to contact the apparent owner sent by
 27 first class United States mail is returned to the holder undelivered;

28 (b) If the second communication is sent later than thirty (30) days af-
 29 ter the date the first communication is returned undelivered, the date
 30 the first communication was returned undelivered; or

31 (c) The date established by subsection (1) (b) of this section.

32 SECTION 4. That Section 14-5-203, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 14-5-203. WHEN OTHER TAX-DEFERRED ACCOUNT PRESUMED ABANDONED. Sub-
 35 ject to the provisions of section ~~14-5-210~~ 14-5-209, Idaho Code, and except
 36 for property described in section 14-5-202, Idaho Code, unclaimed accounts
 37 in the Idaho college savings program subject to the provisions of section
 38 33-5410, Idaho Code, and property held in a plan or account described in
 39 section 529A of the Internal Revenue Code, as amended, including a health
 40 savings account, that qualifies for tax deferral under the income tax laws
 41 of the United States is presumed abandoned if it is unclaimed by the apparent
 42 owner three (3) years after the earlier of:

43 (1) The date, if reasonably determinable by the holder, specified in
 44 the income tax laws and regulations of the United States by which distribu-
 45 tion of the property must begin to avoid a tax penalty, with no distribution
 46 having been made;

47 (2) The date the holder confirms or receives confirmation of the death
 48 of the apparent owner in the ordinary course of its business; or

49 (3) Thirty (30) years after the date the account was opened.

1 SECTION 5. That Section 14-5-204, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 14-5-204. WHEN CUSTODIAL ACCOUNT FOR MINOR PRESUMED ABANDONED. (1)
4 Subject to the provisions of section ~~14-5-210~~ 14-5-209, Idaho Code, property
5 held in an account established under a state's uniform gifts to minors act
6 or uniform transfers to minors act is presumed abandoned if it is unclaimed
7 by or on behalf of the minor on whose behalf the account was opened five (5)
8 years after the later of:

9 (a) The date a communication sent by the holder by first class United
10 States mail to the custodian of the minor on whose behalf the account was
11 opened is returned undelivered to the holder by the United States postal
12 service; or

13 (b) The date on which the custodian is required to transfer the property
14 to the minor or the minor's estate in accordance with the uniform gifts
15 to minors act or uniform transfers to minors act of the state in which
16 the account was opened.

17 (2) If the holder does not send communications to the custodian of the
18 minor on whose behalf an account described in subsection (1) of this sec-
19 tion was opened by first class United States mail, the holder shall attempt
20 to confirm the custodian's interest in the property by sending the custodian
21 an electronic mail communication no later than two (2) years after the cus-
22 todian's last indication of interest in the property. However, the holder
23 shall promptly attempt to contact the custodian by first class United States
24 mail if:

25 (a) The holder does not have information needed to send the custodian
26 an electronic mail communication or the holder believes that the custo-
27 dian's electronic mail address in the holder's records is not valid;

28 (b) The holder receives notification that the electronic mail communi-
29 cation was not received; or

30 (c) The custodian does not respond to the electronic mail communication
31 within thirty (30) days after the communication was sent.

32 (3) If first class United States mail sent pursuant to subsection (2)
33 of this section is returned undelivered to the holder by the United States
34 postal service, the property is presumed abandoned five (5) years after the
35 date established by subsection (1) (b) of this section.

36 (4) When the property in the account described in subsection (1) of this
37 section is transferred to the minor on whose behalf an account was opened or
38 to the minor's estate, the property in the account is no longer subject to
39 this section.

40 SECTION 6. That Section 14-5-206, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 14-5-206. WHEN STORED VALUE CARD PRESUMED ABANDONED. (1) Subject to
43 the provisions of section ~~14-5-210~~ 14-5-209, Idaho Code, the net card value
44 of a stored value card, other than a payroll card that has not been duly con-
45 verted to a federal deposit insurance corporation-insured, owner accessible
46 account balance at a financial institution, is presumed abandoned five (5)
47 years after the latest of:

- 1 (a) December 31 of the year in which the card is issued or additional
 2 funds are deposited into it;
 3 (b) The most recent indication of interest in the card by the apparent
 4 owner; or
 5 (c) A verification or review of the balance by or on behalf of the appar-
 6 ent owner.
 7 (2) The amount presumed abandoned in a stored value card is the net card
 8 value at the time it is presumed abandoned.

9 SECTION 7. That Section 14-5-207, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 14-5-207. WHEN SECURITY PRESUMED ABANDONED. (1) Subject to the provi-
 12 sions of section ~~14-5-210~~ 14-5-209, Idaho Code, a security is presumed aban-
 13 doned five (5) years after:

14 (a) The date a second consecutive communication sent by the holder by
 15 first class United States mail to the apparent owner is returned to the
 16 holder undelivered by the United States postal service; or

17 (b) If the second communication is made later than thirty (30) days af-
 18 ter the first communication is returned, the date the first communica-
 19 tion is returned undelivered to the holder by the United States postal
 20 service.

21 (2) If the holder does not send communications to the apparent owner
 22 of a security by first class United States mail, the holder shall attempt to
 23 confirm the apparent owner's interest in the security by sending the appar-
 24 ent owner an electronic mail communication. However, the holder promptly
 25 shall attempt to contact the apparent owner by first class United States mail
 26 if:

27 (a) The holder does not have information needed to send the apparent
 28 owner an electronic mail communication or the holder believes that the
 29 apparent owner's electronic mail address in the holder's records is not
 30 valid;

31 (b) The holder receives notification that the electronic mail communi-
 32 cation was not received; or

33 (c) The apparent owner does not respond to the electronic mail communi-
 34 cation within thirty (30) days after the communication was sent.

35 (3) If first class United States mail sent is returned to the holder
 36 undelivered by the United States postal service, the security is presumed
 37 abandoned five (5) years after the date the mail is returned.

38 SECTION 8. That Section 16-1648, Idaho Code, as enacted by Section 1,
 39 Chapter 64, Laws of 2024, be, and the same is hereby amended to read as fol-
 40 lows:

41 ~~16-1648~~ 16-1649. NOTIFICATION OF RIGHTS. (1) When the department, in
 42 accordance with this chapter, commences an investigation after having re-
 43 ceived information that a child may be abused, neglected, or abandoned and in
 44 the course of such investigation contacts, directly and in person, the par-
 45 ents, guardians, or any persons having legal custody of the child, then the
 46 department shall notify such parents, guardians, or persons that they have
 47 the right to:

1 (a) Refuse to answer questions;

2 (b) Obtain an attorney at their own expense, consult with such attorney,
3 and have such attorney present during an investigation; provided,
4 however, that the department is not authorized to appoint or obtain an
5 attorney for such parents, guardians, or persons;

6 (c) Refuse entry to their home or other real property; and

7 (d) Refuse the questioning of any minor children in their home or on
8 their property, unless there is an order issued by a court of competent
9 jurisdiction authorizing a particular entry or particular questioning
10 or examination.

11 (2) The notification required by subsection (1) of this section shall
12 be made in writing at the time of or within seventy-two (72) hours after the
13 department makes the first contact directly and in person with the parents,
14 guardians, or other persons having legal custody of the child.

15 (3) A parent, guardian, or other person having legal custody of the
16 child may expressly assert the rights provided in this section.

17 (4) The notification required by subsection (1) of this section shall
18 be made in writing on a form prescribed by the department. Such notification
19 shall state that if the safety of the child cannot be determined, the depart-
20 ment may request assistance from a law enforcement agency or seek a court or-
21 der.

22 (5) Failure by the department to provide the notification required by
23 this section in a specific investigation shall not affect the department's
24 ability to conduct such investigation or to carry out the department's du-
25 ties as provided in this chapter.

26 SECTION 9. That Section 18-1511, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 18-1511. SALE OR BARTER OF CHILD FOR ADOPTION OR OTHER PURPOSE PENAL-
29 IZED -- ALLOWED EXPENSES. (1) Any person or persons who shall sell or barter
30 any child for adoption or for any other purpose shall be guilty of a felony,
31 and upon conviction shall be punished by imprisonment in the state peniten-
32 tiary for no more than fourteen (14) years, or by a fine of no more than five
33 thousand dollars (\$5,000), or by both such fine and imprisonment.

34 (2) Any person or organization without a valid and unrevoked license to
35 place children for adoption issued by the Idaho department of health and wel-
36 fare or a valid and unrevoked license to practice law in Idaho shall be guilty
37 of a misdemeanor if such person or organization:

38 (a) Advertises in any periodical or newspaper, by radio, or by any other
39 public medium that the person or organization will place children for
40 adoption;

41 (b) Accepts, supplies, provides, or obtains children for adoption; or

42 (c) Causes any advertisement to be published in or by any public medium
43 soliciting, requesting, or asking for any child or children for adop-
44 tion.

45 (3) Any person, organization, association, or corporation without a
46 valid and unrevoked license to place children for adoption issued by the
47 Idaho department of health and welfare that places any child for adoption
48 shall be guilty of a misdemeanor. The provisions of this subsection shall
49 not apply to a birth parent.

1 (4) The provisions of this section shall not prohibit any person or
 2 adoption agency from providing, in addition to legal and medical costs, rea-
 3 sonable maternity and living expenses during the pregnancy and for a period
 4 not to exceed six (6) weeks postpartum based on demonstrated financial need.
 5 ~~(2)~~

6 (5) Any person or agency seeking to provide financial assistance in
 7 excess of two thousand dollars (\$2,000) shall do so after informally sub-
 8 mitting to a court of competent jurisdiction a verified financial plan
 9 outlining proposed expenditures. The court may approve or amend such a pro-
 10 posal and shall not be required to make any findings prior to an approval.
 11 The court shall take into consideration all of the needs of the birth mother
 12 from the time of conception of the child, including housing, medical, basic
 13 living, transportation, and any increases to cost of living. A prospective
 14 adoptive parent, or another person acting on behalf of a prospective adop-
 15 tive parent, shall make payments for allowed expenses only to third-party
 16 vendors, as is reasonably practical. All actual expenditures shall be pre-
 17 sented by verified affidavit at the time of the adoption finalization. ~~(3)~~

18 (6) The financial assistance contemplated by this section shall be con-
 19 sidered a charitable gift, not subject to recovery under the terms of section
 20 16-1515, Idaho Code. ~~(4)~~

21 SECTION 10. That Section 18-8603, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 18-8603. PENALTIES. (1) A person who commits human sex trafficking as
 24 described in section 18-8607, Idaho Code, shall ~~by~~ be guilty of a felony pun-
 25 ishable by imprisonment for a period of no less than five (5) years and no
 26 more than twenty-five (25) years, or by a fine of no less than fifteen thou-
 27 sand dollars (\$15,000) and no more than eighty thousand dollars (\$80,000),
 28 or by both such fine and imprisonment.

29 (2) A person who commits human sex trafficking of a child as described
 30 in section 18-8608, Idaho Code, shall ~~by~~ be guilty of a felony punishable
 31 by imprisonment for a period of no less than ten (10) years and no more than
 32 thirty (30) years, or by a fine of no less than twenty thousand dollars
 33 (\$20,000) and no more than one hundred thousand dollars (\$100,000), or by
 34 both such fine and imprisonment.

35 (3) A person who commits human labor trafficking as described in sec-
 36 tion 18-8609, Idaho Code, shall ~~by~~ be guilty of a felony punishable by
 37 imprisonment for a period of no less than three (3) years and no more than
 38 twenty-five (25) years, or by a fine of no less than ten thousand dollars
 39 (\$10,000) and no more than eighty thousand dollars (\$80,000), or by both such
 40 fine and imprisonment.

41 (4) A person who commits human labor trafficking of a child as described
 42 in section 18-8610, Idaho Code, shall ~~by~~ be guilty of a felony punishable
 43 by imprisonment for a period of no less than five (5) years and no more than
 44 twenty-five (25) years, or by a fine of no less than fifteen thousand dollars
 45 (\$15,000) and no more than eighty thousand dollars (\$80,000), or by both such
 46 fine and imprisonment.

47 SECTION 11. That Section 18-8608, Idaho Code, be, and the same is hereby
 48 amended to read as follows:

1 18-8608. HUMAN SEX TRAFFICKING OF A CHILD. A person who is eighteen
2 (18) years of age or older commits the felony of human sex trafficking of a
3 child if the person:

4 (1) Traffics a child and knowingly, by any means, causes or attempts to
5 cause the trafficked person to engage in or become the victim of:

6 (a) Commercial sexual activity;

7 (b) A sexually explicit performance; or

8 (c) Conduct prohibited by:

9 (i) Section 18-924 (sexual battery);

10 (ii) Section 18-925 (aggravated sexual battery);

11 (iii) Section ~~18-1601~~ 18-6101 (rape);

12 (iv) Section 18-1506 (sexual abuse of a child under sixteen
13 years);

14 (v) Section 18-1507 (sexual exploitation of a child);

15 (vi) Section 18-1507A (sexual exploitation of a child by elec-
16 tronic means);

17 (vii) Section 18-1508 (lewd conduct with a minor child under six-
18 teen);

19 (viii) Section 18-1508A (sexual battery of a minor child sixteen
20 or seventeen years of age);

21 (ix) Section 18-5602 (procurement);

22 (x) Section 18-5603 (receiving pay for procurement);

23 (xi) Section 18-5604 (paying for procurement);

24 (xii) Section 18-5605 (detention for commercial sexual activity);

25 (xiii) Section 18-5606 (receiving proceeds of illegal sexual ac-
26 tivity);

27 (xiv) Section 18-5608 (place of commercial sexual activity);

28 (xv) Section 18-5609 (inducing a child into commercial sexual ac-
29 tivity);

30 (xvi) Section 18-5610 (utilizing a child for commercial sexual ac-
31 tivity);

32 (xvii) Section 18-5611 (inducing a child to engage in commercial
33 sexual activity);

34 (xviii) Section 18-5613 (providing commercial sexual activity);

35 (xix) Section 18-5614 (soliciting commercial sexual activity);

36 (xx) Section 18-6601 (incest);

37 (xxi) Section 18-6602 (sexual abuse of an animal);

38 (xxii) Section 18-6603 (sexual abuse of human remains); or

39 (xxiii) Section 18-6604 (forcible penetration by use of a foreign
40 object);

41 (2) Engages in sexual contact with a child being trafficked in the man-
42 ner described in subsection (1) of this section; or

43 (3) Receives any benefit from participating in a venture knowing that
44 the venture involves an activity described in subsection (1) of this sec-
45 tion.

46 SECTION 12. That Section 19-6005, Idaho Code, be, and the same is hereby
47 amended to read as follows:

48 19-6005. POWERS AND DUTIES OF THE STATE PUBLIC DEFENDER. Consistent
49 with the state of Idaho's obligation to provide indigent public defense pur-

1 suant to the sixth amendment to the United States constitution; section 13,
2 article I of the constitution of the state of Idaho; and this chapter, the
3 state public defender shall have the power to:

4 (1) Ensure that qualified defending attorneys, experts, investiga-
5 tors, mitigation specialists, stenographers, paralegals, or other support
6 staff and assistants are employed or contracted as necessary to carry out the
7 purposes of this chapter, that the same deliver indigent defense services in
8 compliance with applicable indigent defense standards, and that any persons
9 hired or contracted to provided indigent individuals charged with an offense
10 or offenses punishable by a sentence of death be qualified to provide team
11 representation. Provided, however, the terms of any contract with a defend-
12 ing attorney shall not include any pricing structure that charges or pays a
13 single fixed fee for the services of the defending attorney and client-re-
14 lated expenses;

15 (2) Provide appropriate facilities, including office space, furni-
16 ture, equipment, books and other legal research tools, postage, supplies,
17 and secure information and communication technology equipment that is rea-
18 sonably necessary for the proper performance of the state public defender;

19 (3) Implement procedures for the oversight, implementation, enforce-
20 ment, and improvement of indigent defense standards so that the right to
21 counsel of indigent persons is constitutionally delivered to all indigent
22 persons in this state;

23 (4) Implement the most current American bar association standards for
24 defending attorneys delivering indigent defense pursuant to this chapter,
25 including caseload standards;

26 (5) Provide training and continuing legal education approved by the
27 Idaho state bar for defending attorneys and employees that promotes compe-
28 tency and consistency in case types defended by the state public defender;

29 (6) Require defending attorneys, contractors, and employees to keep
30 appropriate records, consistent with uniform data-reporting requirements,
31 respecting each person to whom the state public defender is responsible for
32 providing defense, including but not limited to caseload, workload, and ex-
33 penditures;

34 (7) Establish uniform contracts both for contract defending attorneys,
35 where utilized throughout the state or when caseload volumes require their
36 use, and for conflict defending attorneys, when carrying out the purposes
37 of this chapter. Contract pay rates shall be informed by the prevailing
38 statewide market rate;

39 (8) Establish a uniform system for contracting with qualified attor-
40 neys to carry out the purposes of this chapter, including a system for appli-
41 cation, payment for services, and reimbursement; ~~and~~

42 (9) Collaborate with district public defenders on the policies of
43 the office and in the formation of a budget request sufficient to meet the
44 state's constitutional obligation to provide indigent services, which the
45 state public defender shall submit to the division of financial management
46 as required by law; and

47 (10) Seek reimbursement from any applicable federal funds at the de-
48 partment of health and welfare for any allowable costs of representation
49 or administrative costs for any representation authorized by this chapter,

1 whether provided by employees of the office of the state public defender or
2 by contract.

3 SECTION 13. That Section 19-6009, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 19-6009. RIGHT TO COUNSEL OF INDIGENT PERSON -- REPRESENTATION AT ALL
6 STAGES OF CRIMINAL AND COMMITMENT PROCEEDINGS -- PAYMENT. (1) An indigent
7 person who is being detained by a law enforcement officer, who is confined
8 or is the subject of hospitalization proceedings pursuant to section 18-212,
9 66-322, 66-326, 66-329, 66-404 or 66-406, Idaho Code, or who is under formal
10 charge of having committed, or is being detained under a conviction of, a se-
11 rious crime is entitled:

12 (a) To be represented by an attorney to the same extent as a person hav-
13 ing his own counsel is so entitled; and

14 (b) To be provided with the necessary services and facilities of repre-
15 sentation, including investigation and other preparation. The attor-
16 ney, services and facilities, and the court costs shall be provided at
17 public expense to the extent that the person is, at the time the court
18 determines indigency pursuant to section 19-6011, Idaho Code, unable to
19 provide for their payment.

20 (2) An indigent person who is entitled to be represented by an attorney
21 under subsection (1) of this section is entitled:

22 (a) To be counseled and defended at all stages of the matter beginning
23 with the earliest time when a person providing his own counsel would be
24 entitled to be represented by an attorney and including revocation of
25 probation;

26 (b) To be represented in any appeal; and

27 (c) To be represented in any other post-conviction or post-commitment
28 proceeding that the attorney or the indigent person considers appro-
29 priate, unless the court in which the proceeding is brought determines
30 that it is not a proceeding that a reasonable person with adequate means
31 would be willing to bring at his own expense and is therefore a frivolous
32 proceeding.

33 (3) Upon a finding of indigency, representation by an attorney under
34 subsection (1) of this section shall include the following cases, excluding
35 those cases where the state appellate public defender has jurisdiction pur-
36 suant to section 19-5905, Idaho Code, and excluding those cases of guardian
37 ad litem representation pursuant to section 16-1614(4), Idaho Code:

38 (a) Felony and misdemeanor cases;

39 (b) Actions arising under the Idaho juvenile corrections act, chapter
40 5, title 20, Idaho Code;

41 (c) Proceedings under the uniform post-conviction procedure act, chap-
42 ter 49, title 19, Idaho Code;

43 (d) Civil contempt proceedings where incarceration is sought;

44 (e) Actions arising under the child protective act, chapter 16, title
45 16, Idaho Code; and

46 (f) Appeals from adjudicatory decrees or orders under section 16-1625,
47 Idaho Code.

1 (4) An indigent person's right to a benefit under subsection (1) or (2)
2 of this section is unaffected by his having provided a similar benefit at his
3 own expense, or by his having waived it, at an earlier stage.

4 SECTION 14. That Section 22-3404, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 22-3404. PESTICIDE AND CHEMIGATION APPLICATORS -- CLASSIFICATION LI-
7 CENSING REQUIREMENTS. (1) The director may classify pesticide applicator
8 licenses issued under this act. Such classifications may include but are not
9 limited to professional applicators, private applicators, and chemigation
10 applicators. Separate licensing requirements and testing procedures may be
11 utilized for each classification.

12 (2) Chemigation Applicators. Any user of a chemigation system must be
13 at least eighteen (18) years of age and shall be certified for competency by
14 the department.

15 (a) On the application to perform chemigation, the applicant must cer-
16 tify that the equipment and system he plans to use for chemigation meet
17 department standards and provide other relevant information.

18 (b) Financial requirements and fees for chemigation certification
19 shall be commensurate with state requirements for professional and pri-
20 vate applicators.

21 (3) Professional Applicators. No person shall act as a professional
22 applicator without first obtaining a professional applicator's license is-
23 sued by the department.

24 (a) Application for a license shall be on a form prescribed by the de-
25 partment and shall be accompanied by a fee as prescribed by rule;

26 (b) An applicant must be at least eighteen (18) years of age and must
27 pass the department's examination in order to demonstrate his knowledge
28 of how to apply, use and handle pesticides or chemicals in areas rele-
29 vant to the operations he intends to undertake, or proper equipment and
30 methods for injecting chemicals through irrigation systems;

31 (c) Show proof of financial responsibility as prescribed by rule;

32 (d) An examination fee will be charged as prescribed by rule and an ad-
33 ditional examination fee of five dollars (\$5.00) shall be charged when
34 an exam is requested at other than a regularly scheduled examination
35 date; and

36 (e) If at any time a licensed professional applicator fails to maintain
37 the financial responsibility required by paragraph (c) of this subsec-
38 tion, his license shall be automatically suspended until the depart-
39 ment receives verification that he is in compliance with paragraph (c)
40 of this subsection.

41 (4) Private Applicator. No person shall act as a private applicator
42 without first obtaining a private applicator license issued by the depart-
43 ment.

44 (a) Application for a license shall be on a form prescribed by the de-
45 partment;

46 (b) An applicant must be at least eighteen (18) years of age and must
47 pass the department's examination in order to demonstrate his knowledge
48 of how to apply, use and handle pesticides or chemicals in areas rele-

1 vant to the operations he intends to undertake or proper equipment and
2 methods for injecting chemicals through irrigation systems; and

3 (c) An applicant must pay a license fee as prescribed by rule.

4 (5) If the director finds an applicant qualified for a professional,
5 private, or chemigation applicator's license, and if an applicant applying
6 for a license to engage in the application of pesticides or chemicals has met
7 all of the requirements of any applicable federal or state laws, regulations
8 and rules, the director shall issue the license. The license or permit may
9 restrict the applicant to the use of a certain type or types of equipment,
10 pesticides or chemicals. If a license or permit is not issued as applied for,
11 the department shall inform the applicant in writing of the reasons there-
12 for.

13 (6) The director may by rule require professional applicators to main-
14 tain and furnish records forthwith pertaining to the application of pesti-
15 cides and other relevant information as he may deem necessary.

16 (7) Licenses issued to dealers and professional, private, and chemiga-
17 tion applicators shall expire as designated by the director unless suspended
18 or revoked as provided for in section 22-3409, Idaho Code.

19 (8) Exemptions:

20 (a) The following persons are exempt from subsections (3), (4), and (5)
21 of this section:

22 (i) Any person applying pesticides other than restricted-use
23 pesticides for himself or on an exchange of service basis, and who
24 does not publicly hold himself out as a professional applicator;

25 (ii) Any person using hand-powered equipment to apply pesticides
26 other than restricted-use pesticides to lawns, or to ornamental
27 trees and shrubs and who employs two (2) or fewer persons in his
28 business who apply pesticides and is not holding himself out as a
29 professional applicator;

30 (iii) Any industry, governmental, university of Idaho research
31 personnel and extension research personnel who apply pesticides
32 other than restricted-use pesticides to experimental plots or to
33 demonstrate the use of pesticides; and

34 (iv) Any veterinarian who applies pesticides as an integral part
35 of his business and does not publicly hold himself out as a profes-
36 sional applicator.

37 (b) Federal, state, and other governmental agencies are exempt from the
38 licensing fees provision of subsections (3) and (4) of this section.

39 (c) Professional applicators who do not apply pesticides may receive an
40 exemption from the proof of financial responsibility required in sub-
41 section ~~(3) (d)~~ (3) (c) of this section, upon submitting a completed form
42 prescribed by the department.

43 SECTION 15. That Section 30-29-863, Idaho Code, be, and the same is
44 hereby amended to read as follows:

45 30-29-863. SHAREHOLDERS' ACTION. (a) Shareholders' action respecting
46 a director's conflicting interest transaction is effective for purposes of
47 section 30-29-861(b) (2), Idaho Code, if a majority of the votes cast by the
48 holders of all qualified shares are in favor of the transaction after:

1 (1) Notice to shareholders describing action to be taken respecting the
2 transaction;

3 (2) Provision to the corporation of the information referred to in sub-
4 section (b) of this section; and

5 (3) Communication to the shareholders entitled to vote on the transac-
6 tion of the information that is the subject of required disclosure, to
7 the extent the information is not known by them. In the case of share-
8 holders' action at a meeting, the shareholders entitled to vote shall be
9 determined as of the record date for notice of the meeting.

10 (b) A director who has a conflicting interest respecting the transac-
11 tion shall, before the shareholders' vote, inform the secretary, or other
12 officer or agent of the corporation authorized to tabulate votes, in writ-
13 ing, of the number of shares that the director knows are not qualified shares
14 under subsection (c) of this section, and the identity of the holders of
15 those shares.

16 (c) As used in this section:

17 (1) "Holder" means and "held by" refers to shares held by a record
18 shareholder, a beneficial shareholder, and an unrestricted voting
19 trust beneficial owner; and

20 (2) "Qualified shares" means all shares entitled to be voted with re-
21 spect to the transaction except for shares that the secretary or other
22 officer or agent of the corporation authorized to tabulate votes either
23 knows, or under subsection (b) of this section is notified, are held by
24 either a director who has a conflicting interest respecting the trans-
25 action or a related person of the director, not including a person de-
26 scribed in section ~~30-29-860(4)(f)~~ 30-29-860(5)(f), Idaho Code.

27 (d) A majority of the votes entitled to be cast by the holders of all
28 qualified shares constitutes a quorum for purposes of compliance with this
29 section. Subject to the provisions of subsection (e) of this section, share-
30 holders' action that otherwise complies with this section is not affected
31 by the presence of holders or by the voting of shares that are not qualified
32 shares.

33 (e) If a shareholders' vote does not comply with subsection (a) of this
34 section solely because of a director's failure to comply with subsection (b)
35 of this section, and if the director establishes that the failure was not in-
36 tended to influence, and did not in fact determine, the outcome of the vote,
37 the court may take such action respecting the transaction and the director,
38 and may give such effect, if any, to the shareholders' vote, as the court con-
39 sidered appropriate in the circumstances.

40 (f) Where shareholders' action under this section does not satisfy a
41 quorum or voting requirement applicable to the authorization of the trans-
42 action by reason of the articles of incorporation or the bylaws or a provi-
43 sion of law, independent action to satisfy those authorization requirements
44 shall be taken by the shareholders, in which action shares that are not qual-
45 ified shares may participate.

46 SECTION 16. That Section 33-1004E, Idaho Code, be, and the same is
47 hereby amended to read as follows:

1 33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall
2 be entitled to a salary-based apportionment calculated as provided in this
3 section.

4 (1) To determine the apportionment for instructional staff, take
5 the amounts indicated on the career ladder table plus the amounts associ-
6 ated with the additional education allocation amounts pursuant to section
7 33-1004B, Idaho Code, and calculate the weighted average. The amount so
8 determined shall be multiplied by the district staff allowance for instruc-
9 tional staff determined as provided in section 33-1004(2), Idaho Code.
10 Full-time instructional staff salaries shall be determined from a salary
11 schedule developed by each district and submitted to the state department of
12 education. No full-time instructional staff member or pupil service staff
13 member on the residency compensation rung shall be paid less than the minimum
14 dollar amount on the career ladder residency compensation rung pursuant to
15 section 33-1004B, Idaho Code, for the applicable fiscal year.

16 (2) Effective July 1, 2022, no full-time instructional staff member
17 or pupil service staff member on the professional or advanced professional
18 compensation rung shall be paid less than the minimum dollar amount on the
19 career ladder professional compensation rung pursuant to section 33-1004B,
20 Idaho Code, for the applicable fiscal year.

21 (3) Effective July 1, 2025, no full-time instructional staff member or
22 pupil service staff member on the advanced professional compensation rung
23 shall be paid less than the minimum dollar amount on the advanced profes-
24 sional compensation rung pursuant to section 33-1004B, Idaho Code, for the
25 applicable fiscal year.

26 (4) If an instructional staff member has been certified by the national
27 board for professional teaching standards, the staff member shall receive
28 two thousand dollars (\$2,000) per year for five (5) years from the year in
29 which national board certification was earned. The district staff allot-
30 ment shall be increased by two thousand dollars (\$2,000) for each national
31 board-certified instructional staff member who earned national board cer-
32 tification; provided however, that no such awards shall be paid for the pe-
33 riod July 1, 2010, through June 30, 2011, nor shall any liabilities accrue
34 or payments be made pursuant to this section in the future to any individu-
35 als who would have otherwise qualified for a payment during this stated time
36 period. The resulting amount is the district's salary-based apportionment
37 for instructional staff. For purposes of this section, teachers qualifying
38 for the salary increase shall be those who have been recognized as national
39 board-certified teachers as of July 1 of each year.

40 (5) To determine the apportionment for pupil service staff, take
41 the amounts indicated on the career ladder table plus the amounts associ-
42 ated with the additional education allocation amounts pursuant to section
43 33-1004B, Idaho Code, and calculate the weighted average. If the district
44 does not employ any pupil service staff, the district's pupil service staff
45 average salary shall equal the district's instructional staff average
46 salary for purposes of calculating pupil service salary-based apportion-
47 ment. The amount so determined shall be multiplied by the district staff al-
48 lowance for pupil service staff determined pursuant to section 33-1004(3),
49 Idaho Code. Full-time pupil service staff salaries shall be determined from
50 a salary schedule developed by each district and submitted to the state de-

1 department of education. The resulting amount is the district's salary-based
2 apportionment for pupil service staff. No full-time pupil service staff
3 member shall be paid less than the minimum dollar amount on the career ladder
4 residency compensation rung pursuant to section 33-1004B, Idaho Code, for
5 the applicable fiscal year.

6 (6) To determine the apportionment for district administrative staff,
7 first determine the district average experience and education index by plac-
8 ing all eligible certificated administrative employees on the statewide
9 index provided in section 33-1004A, Idaho Code. The resulting average is the
10 district index. If the district does not employ any administrative staff,
11 the district administrative index shall equal the statewide average index
12 for purposes of calculating administrative salary-based apportionment. On
13 and after July 1, 2024, the district administrative staff index shall be
14 multiplied by the base salary of forty-four thousand four hundred forty-six
15 dollars (\$44,446). The amount so determined shall be multiplied by the
16 district staff allowance for administrative staff determined as provided
17 in section 33-1004(4), Idaho Code. The resulting amount is the district's
18 salary-based apportionment for administrative staff. ~~forty-three thousand~~
19 ~~five hundred eighty-three dollars (\$43,583)~~

20 (7) On and after July 1, 2024, to determine the apportionment for clas-
21 sified staff, multiply thirty-nine thousand nine hundred sixty-six dollars
22 (\$39,966) by the district classified staff allowance determined as pro-
23 vided in section 33-1004(5), Idaho Code. The amount so determined is the
24 district's apportionment for classified staff. ~~thirty-nine thousand one~~
25 ~~hundred ninety dollars (\$39,190)~~

26 (8) The district's salary-based apportionment shall be the sum of the
27 apportionments calculated in subsections (1), (4), (5), (6) and (7) of this
28 section, plus the benefit apportionment as provided in section 33-1004F,
29 Idaho Code.

30 SECTION 17. That Section 41-5602, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 41-5602. PROMPT PAYMENT OF CLAIMS. (1) Except as otherwise specifi-
33 cally provided in this chapter, an insurer shall process a claim for payment
34 for health care services rendered by a practitioner or facility to a benefi-
35 ciary in accordance with this section.

36 (2) If a beneficiary, practitioner or facility submits an electronic
37 claim to an insurer within thirty (30) days of the date on which service was
38 delivered, an insurer shall pay or deny the claim not later than thirty (30)
39 days after receipt of the claim.

40 (3) If a beneficiary, practitioner or facility submits a paper claim
41 for payment to an insurer within forty-five (45) days of the date on which
42 service was delivered, an insurer shall pay or deny the claim not later than
43 forty-five (45) days after receipt of the claim.

44 (4) If an insurer denies the claim or needs additional information to
45 process the claim, the insurer shall notify the practitioner or facility and
46 the beneficiary in writing within thirty (30) days of receipt of an elec-
47 tronic claim or within forty-five (45) days of receipt of a paper claim. The
48 notice shall state why the insurer denied the claim.

1 (5) If the claim was denied because more information was required to
2 process the claim, the notice shall specifically describe all information
3 and supporting documentation needed to evaluate the claim for processing.
4 If the practitioner or facility submits the information and documentation
5 identified by the insurer within thirty (30) days of receipt of the written
6 notice, the insurer shall process and pay the claim within thirty (30) days
7 of receipt of the additional information or, if appropriate, deny the claim.

8 (6) Any claim submitted pursuant to this chapter shall use the cur-
9 rent procedural terminology (CPT) code in effect, as published by the
10 American medical association, the international classification of ~~disease~~
11 diseases (ICD) code in effect, as published by the United States department
12 of health and human services, or the healthcare common procedural coding
13 system (HCPCS) code in effect, as published by the United States centers for
14 ~~medicaid and medicare~~ medicare and medicaid services (CMS).

15 (7) This chapter shall not apply to claims submitted under policies or
16 certificates of insurance for specific disease, hospital confinement indem-
17 nity, accident-only, credit, medicare supplement, disability income insur-
18 ance, student health benefits only coverage issued as a supplement to li-
19 ability insurance, worker's compensation or similar insurance, automobile
20 medical payment insurance or nonrenewable short-term coverage issued for a
21 period of twelve (12) months or less.

22 SECTION 18. That Section 42-233c, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 42-233c. EASTERN SNAKE PLAIN AQUIFER AREA HAVING COMMON GROUND WATER
25 SUPPLY. (1) The area having a common ground water supply for the eastern
26 Snake plain aquifer, as that term is used in the administration of water
27 rights pursuant to the rules for the conjunctive management of surface and
28 ground water resources, is the aquifer underlying the eastern Snake river
29 plain as described in model calibration report, eastern Snake plain aquifer
30 model version 2.2. of May 2021.

31 (2) The director of the department of water resources may expand the
32 area having a common ground water supply for the eastern Snake plain aquifer
33 to include tributary basins that affect the eastern Snake river plain
34 aquifer. The director shall not expand the area having a common ground water
35 supply for the eastern Snake plain aquifer to include areas that have been
36 designated as a critical ground water area or a ground water management area
37 and that have approved ground water management plans unless the director
38 determines that the existing ground water management plan for such tributary
39 basin is insufficient to manage the effects of ground water withdrawals on
40 the aquifer from which withdrawals are made and on any other hydraulically
41 connected sources of water, including the eastern Snake plain aquifer.

42 (3) Before entering an order expanding the eastern Snake plain aquifer
43 area of common ground water supply pursuant to subsection (2) of this sec-
44 tion, the director shall, by regular mail, send notice of the proposed action
45 to the owner of each water right proposed to be administered in the tribu-
46 tary basin. The notice shall describe the proposed action to be taken, the
47 reasons ~~therefore~~ therefor, and the time and place of a hearing to be held
48 concerning the proposed action, and shall provide a time period within which
49 written comment on the action will be accepted. The hearing shall not be

1 held sooner than ten (10) days after the mailing of the notice, and the writ-
2 ten comment period shall not close sooner than ten (10) days after the hear-
3 ing. Instead of mailing notice, the director may publish notice describ-
4 ing the proposed action, the time and place for the hearing, and the deadline
5 for receiving written comment. The notice shall be published once a week for
6 two (2) weeks in a newspaper having general circulation within the tributary
7 basin, with the second publication appearing at least ten (10) days before
8 the date set for the hearing. The hearing shall be held within the tributary
9 basin or at some nearby location convenient to the affected water users. The
10 department shall allow for both oral and written comments to be provided.

11 (4) The director may issue an order expanding the eastern Snake plain
12 aquifer area of common ground water supply after the hearing. Any person
13 aggrieved by the action of the director may contest such action pursuant to
14 section 42-1701A(3), Idaho Code.

15 SECTION 19. That Section 49-1613, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 49-1613. UNLAWFUL ACTS BY LICENSEE. (1) It shall be unlawful for the
18 holder of any license issued under the provisions of this chapter to:

19 (a) Intentionally publish or circulate any advertising that is mis-
20 leading or inaccurate in any material particular or that misrepresents
21 any of the products sold or furnished by a licensed dealer;

22 (b) Violate any of the provisions of this chapter or any of the applica-
23 ble rules;

24 (c) Knowingly purchase, sell or otherwise acquire or dispose of a
25 stolen vehicle;

26 (d) Violate any law respecting commerce in vehicles or any lawful rule
27 respecting commerce in vehicles promulgated by any licensing or regu-
28 lating authority now existing or hereafter created by the laws of the
29 state;

30 (e) Engage in the business for which the dealer is licensed without at
31 all times maintaining a principal place of business;

32 (f) Engage in a type of business respecting the selling or exchanging of
33 vehicles for which he is not licensed;

34 (g) Knowingly purchase a vehicle that has an altered or removed vehicle
35 identification number plate or alter or remove a vehicle identification
36 number plate;

37 (h) Violate any provision of this title or any rules promulgated;

38 (i) Violate any provision of the federal motor vehicle safety stan-
39 dards, federal odometer laws or regulations;

40 (j) Display for sale, exchange, or sell any vehicle for which the vehi-
41 cle dealer does not hold title or consignment agreement or other docu-
42 mentary evidence of his right to the possession of every vehicle in his
43 possession; or

44 (k) Issue more than one (1) temporary permit per vehicle sale pursuant
45 to the provisions set forth in section 49-504(6), Idaho Code.

46 (2) It shall be unlawful for any manufacturer or distributor licensed
47 under this chapter to require, attempt to require, coerce, or attempt to co-
48 erce, any new vehicle dealer in this state to:

1 (a) Order or accept delivery of any new vehicle, part or accessory,
2 equipment or any other commodity not required by law that shall not have
3 been voluntarily ordered by the new vehicle dealer. This paragraph is
4 not intended to modify or supersede any terms or provisions of a fran-
5 chise requiring dealers to market a representative line of vehicles
6 that the manufacturer or distributor is publicly advertising.

7 (b) Order or accept delivery of any new vehicle with special features,
8 accessories or equipment not included in the list price of such vehicles
9 as publicly advertised by the manufacturer or distributor.

10 (c) Participate monetarily in an advertising campaign or contest, or
11 to purchase any promotional materials, training materials, showroom or
12 other display decorations or materials at the expense of the dealer.

13 (d) Enter into any agreement with the manufacturer or distributor or to
14 do any other act prejudicial to the dealer by threatening to terminate
15 or cancel a franchise or any contractual agreement existing between
16 the dealer and the manufacturer or distributor. This paragraph is not
17 intended to preclude the manufacturer or distributor from insisting
18 on compliance with reasonable terms or provisions of the franchise or
19 other contractual agreement, and notice in good faith to any dealer of
20 the dealer's violation of those terms or provisions shall not consti-
21 tute a violation of the provisions of this chapter.

22 (e) Change the capital structure of the dealer or the means by or
23 through which the dealer finances the operation of the dealership,
24 provided that the dealer at all times meets any reasonable capital stan-
25 dards determined by the manufacturer or distributor in accordance with
26 uniformly applied criteria. No change in the capital structure shall
27 cause a change in the principal management or have the effect of a sale
28 of the franchise without the consent of the manufacturer or distribu-
29 tor. Consent shall not be unreasonably withheld.

30 (f) Refrain from participation in the management of, investment in, or
31 the acquisition of any other line of new vehicle or related products.
32 This paragraph does not apply unless the dealer maintains a reasonable
33 line of credit for each make or line of new vehicle, and the dealer re-
34 mains in compliance with any reasonable facilities requirements of the
35 manufacturer or distributor, and no change is made in the principal man-
36 agement of the dealership.

37 (g) Prospectively assent to a release, assignment, novation, waiver or
38 estoppel that would relieve any person from liability to be imposed by
39 this chapter or to require any controversy between a dealer and a man-
40 ufacturer, distributor, or representatives, to be referred to any per-
41 son other than the duly constituted courts of the state or the United
42 States, or to the director, if that referral would be binding upon the
43 dealer.

44 (h) Either establish or maintain exclusive facilities, personnel, or
45 display space.

46 (i) Expand facilities without a written guarantee of a sufficient sup-
47 ply of new vehicles so as to justify an expansion, in light of the market
48 and economic conditions.

49 (j) Make significant modifications to an existing dealership or to
50 construct a new vehicle dealership facility without providing a writ-

1 ten guarantee of a sufficient supply of new vehicles so as to justify
2 modification or construction, in light of the market and economic con-
3 ditions.

4 (3) It shall be unlawful for any manufacturer or distributor licensed
5 under this chapter to:

6 (a) Delay, refuse, or fail to deliver new vehicles or new vehicle parts
7 or accessories in a reasonable time, and in reasonable quantity, rela-
8 tive to the dealer's facilities and sales potential in the dealer's rel-
9 evant market area, after acceptance of an order from a dealer having a
10 franchise for the retail sale of any new vehicle sold or distributed by
11 the manufacturer or distributor, any new vehicle, parts or accessories
12 to new vehicles as are covered by the franchise, if the vehicle, parts,
13 or accessories are publicly advertised as being available for delivery
14 or actually being delivered. These provisions are not violated, how-
15 ever, if failure is caused by acts or causes beyond the control of the
16 manufacturer or distributor.

17 (b) Refuse to disclose to any dealer handling the same line, the manner
18 and mode of distribution of that line within this state.

19 (c) Obtain money, goods, service, or any other benefit from any other
20 person with whom the dealer does business, on account of, or in relation
21 to, the transaction between the dealer and other person, other than for
22 compensation for services rendered, unless the benefit is promptly ac-
23 counted for and transmitted to the dealer.

24 (d) Increase prices of new vehicles that the dealer had ordered for
25 consumers prior to the dealer's receipt of the written official price
26 increase notification. A sales contract signed by a consumer shall
27 constitute evidence of each such order, provided that the vehicle is in
28 fact delivered to that customer. In the event of manufacturer or dis-
29 tributor price reductions or cash rebates paid to the dealer, the amount
30 of any reduction or rebate received by a dealer shall be passed on to the
31 private retail consumer by the dealer. Price reductions shall apply to
32 all vehicles in the dealer's inventory that were subject to the price
33 reduction. Price differences applicable to new model or series shall
34 not be considered a price increase or price decrease. Price changes
35 caused by the addition to a vehicle of required or optional equipment,
36 or revaluation of the United States dollar, in the case of foreign-make
37 vehicles or components, or an increase in transportation charges due to
38 increased rates imposed by a carrier, shall not be subject to the provi-
39 sions of this subsection.

40 (e) Release to any outside party, except under subpoena or as other-
41 wise required by law or in an administrative, judicial or arbitration
42 proceeding involving the manufacturer or distributor or dealer, any
43 business, financial, or personal information which may be provided from
44 time to time by the dealer to the manufacturer or distributor without
45 the express written consent of the dealer.

46 (f) Deny any dealer the right of free association with any other dealer
47 for any lawful purpose.

48 (g) Compete with their franchised dealers in this state in the sale,
49 lease, or warranty service of new motor vehicles to retail consumers.
50 However, nothing in this section shall limit or apply to a manufac-

1 turer's or a distributor's fleet sales or leases with a fleet customer
2 that has a designation as such by the manufacturer or distributor as
3 long as such sales or leases are conducted with the involvement of a
4 dealer of the same line make. Nothing in this section shall limit or
5 prohibit a manufacturer or distributor from authorizing or assisting
6 a fleet customer that has a designation as such by the manufacturer or
7 distributor to perform warranty service on vehicles owned or operated
8 by such fleet customer. It is not a violation of this paragraph for a
9 manufacturer or distributor, or an affiliate of a manufacturer or dis-
10 tributor, to directly provide an update to or repair of motor vehicle
11 software if such update or repair is provided over-the-air at no cost or
12 when creating a new line of motor vehicles and using franchised deal-
13 ers to sell and service those vehicles. A manufacturer or distributor
14 may operate a dealership for a reasonable period not to exceed one (1)
15 year without violating this paragraph if such dealership is for sale to
16 any qualified independent person at a fair and reasonable price, or in
17 a relationship in which an independent person has made a significant
18 investment subject to loss in the dealership and can reasonably expect
19 to acquire full ownership of that dealership on reasonable terms and
20 conditions. Upon a showing of good cause by the manufacturer or dis-
21 tributor to the department, the period of temporary ownership may be
22 extended up to one (1) additional year, resulting in a maximum temporary
23 ownership period of two (2) years.

24 (h) Unfairly discriminate among its dealers with respect to warranty
25 reimbursement.

26 (i) Unreasonably withhold consent to the sale, transfer, or exchange of
27 the franchise to a qualified buyer capable of being licensed as a dealer
28 in this state or to condition the sale, transfer, or exchange of a fran-
29 chise agreement upon site control or an agreement to renovate or make
30 improvements to a facility, unless required by the technology of a motor
31 vehicle being sold at the facility. Provided however, that a voluntary
32 acceptance of such conditions by the dealer in writing including but not
33 limited to a written agreement for which the dealer has accepted separ-
34 ate and valuable consideration, shall not constitute a violation.

35 (j) Fail to respond in writing to a request for consent as specified in
36 paragraph (i) of this subsection within sixty (60) days of receipt of a
37 written request on the forms, if any, generally utilized by the manufac-
38 turer or distributor for those purposes and containing the required in-
39 formation. Failure to respond shall be deemed to be consent to the re-
40 quest.

41 (k) Prevent or attempt to prevent, by contract or otherwise, any dealer
42 from changing the executive management control of the dealership unless
43 the manufacturer or distributor, having the burden of proof, can show
44 that the change of executive management will result in executive man-
45 agement or control by a person or persons who are not of good moral char-
46 acter or who do not meet reasonable, preexisting and, with considera-
47 tion given to the volume of sales and service of the dealership, uni-
48 formly applied minimum business experience standards. Where the manu-
49 facturer or distributor rejects a proposed change in executive manage-
50 ment control, the manufacturer or distributor shall give written notice

1 of his reasons to the dealer within sixty (60) days of notice to the man-
2 ufacturer or distributor by the dealer of the proposed change; other-
3 wise, the change in the executive management of the dealership shall be
4 presumptively considered approved.

5 (l) Terminate, cancel or fail to renew any franchise solely because of
6 the death or incapacity of an owner who is not listed in the franchise
7 as one on whose expertise and abilities the manufacturer or distributor
8 relied in the granting of the franchise.

9 (m) Prevent or attempt to prevent the dealer, by written instrument
10 or otherwise, from either receiving the fair market value of the deal-
11 ership in a sale transaction or from transferring the dealership to a
12 spouse or legal heir, as specified in this chapter.

13 (n) Engage in any predatory practice or discrimination against any
14 dealer.

15 (o) Resort to or to use any false or misleading advertisement in the
16 conducting of his business as a manufacturer or distributor in this
17 state.

18 (p) Make any false or misleading statement, either directly or through
19 any agent or employee, in order to induce any dealer to enter into any
20 agreement or franchise or to take any action that is prejudicial to that
21 dealer or his business.

22 (q) Require or coerce dealers to participate in local or national ad-
23 vertising campaigns or contests or to require or coerce dealers to pur-
24 chase promotional or display materials.

25 (r) Charge back, deny motor vehicle allocation, withhold payments, or
26 take other actions against a dealer, or to condition a franchise agree-
27 ment, or renewal of a franchise agreement, or to condition sales, ser-
28 vice, parts, or finance incentives upon site control or an agreement to
29 renovate or make improvements to a facility unless required by the tech-
30 nology of a motor vehicle being sold at the facility. Provided however,
31 that a voluntary acceptance of such conditions by the dealer in writing
32 including but not limited to a written agreement for which the dealer
33 has accepted separate and valuable consideration, shall not constitute
34 a violation.

35 (s) Charge back, deny motor vehicle allocation, withhold payments, or
36 take other actions against a motor vehicle dealer if a motor vehicle
37 sold by the motor vehicle dealer is exported from Idaho or the dealer's
38 assigned area of responsibility unless the manufacturer, distributor,
39 or manufacturer representative proves that the motor vehicle dealer
40 knew or reasonably should have known a motor vehicle was intended to
41 be exported, which shall operate as a rebuttable presumption that the
42 motor vehicle dealer did not have such knowledge. This paragraph does
43 not apply if exporting of motor vehicles outside of the state of Idaho is
44 provided for by the manufacturer or distributor.

45 (t) Withhold or threaten to withhold consent or approval of the sale,
46 transfer, exchange, or issuance of a dealer sales and service agreement
47 to an otherwise qualified buyer capable of being licensed as a dealer
48 in this state or to condition approval of such buyer upon the selling
49 dealer executing a release of all claims or similar instrument releas-
50 ing or waiving any and all claims the selling dealer has or may have

1 arising from the franchise relationship with the manufacturer unless
2 separate material consideration is paid contemporaneously by the manu-
3 facturer to the dealer for such release. Nothing in this section shall
4 preclude the application of a manufacturer's reasonable and uniform
5 standards and policies.

6 (4) It is unlawful for any manufacturer or distributor or any offi-
7 cer, agent or representative to coerce, or attempt to coerce, any dealer
8 in this state to offer to sell or sell any extended service contract or ex-
9 tended maintenance plan that is offered, sold, backed by or sponsored by
10 the manufacturer or distributor or to sell, assign or transfer any retail
11 installment sales contract, obtained by the dealer in connection with the
12 sale by him in this state of new vehicles, manufactured or sold by the man-
13 ufacturer or distributor, to a specified finance company or class of such
14 companies, or to any other specified person, by any of the acts or means set
15 forth, namely by:

16 (a) Any statement, suggestion, promise or threat that the manufac-
17 turer or distributor will, in any manner, benefit or injure the dealer,
18 whether the statement, suggestion, threat or promise is express or im-
19 plied or made directly or indirectly;

20 (b) Any act that will benefit or injure the dealer;

21 (c) Any contract, or any express or implied offer of contract, made
22 directly or indirectly to a dealer for handling new vehicles, on the
23 condition that the dealer shall offer to sell or sell any extended
24 service contract or extended maintenance plan that is offered, sold,
25 backed by, or sponsored by the manufacturer or distributor or sell, as-
26 sign or transfer his retail installment sales contract in this state to
27 a specified finance company or class of such companies, or to any other
28 specified person; or

29 (d) Any express or implied statement or representation made directly or
30 indirectly that the dealer is under any obligation whatsoever to offer
31 to sell or sell any extended service contract or extended maintenance
32 plan that is offered, sold, backed by, or sponsored by the manufacturer
33 or distributor or to sell, assign or transfer any of his retail sales
34 contracts, in this state, on new vehicles manufactured or sold by that
35 manufacturer or distributor to a finance company or class of companies,
36 or other specified person, because of any relationship or affiliation
37 between the manufacturer or distributor and a finance company or compa-
38 nies, or a specified person or persons.

39 (e) Nothing contained in this subsection shall prohibit a manufacturer
40 or distributor from offering or providing incentive benefits or bonus
41 programs to a retail motor vehicle dealer or prospective retail motor
42 vehicle dealer in this state who makes the voluntary decision to offer
43 to sell or sell any extended service contract or extended maintenance
44 plan offered, sold, backed by or sponsored by the manufacturer or dis-
45 tributor to sell, assign or transfer any retail installment sale or
46 lease by him in this state of motor vehicles manufactured or sold by the
47 manufacturer or distributor to a specified finance company or leasing
48 company controlled by or affiliated with the manufacturer or distribu-
49 tor.

1 Any statement, threats, promises, acts, contracts or offers of con-
2 tracts, when the effect may be to lessen or eliminate competition or tend to
3 create a monopoly, are declared unfair trade practices and unfair methods of
4 competition, against the policy of this state, and are unlawful.

5 (5) It is unlawful for any manufacturer or distributor or agent or em-
6 ployee of a manufacturer or distributor to use a written instrument, agree-
7 ment, or waiver to attempt to nullify any of the provisions of this section,
8 and such agreement, written instrument or waiver shall be null and void.

9 (6) It shall be unlawful, directly or indirectly, to impose unrea-
10 sonable restrictions on the dealer relative to the sale, transfer, right
11 to renew, termination discipline, noncompetition covenants, site control
12 (whether by sublease, collateral pledge of lease, or otherwise), right of
13 first refusal to purchase, option to purchase, compliance with subjective
14 standards and assertion of legal or equitable rights.

15 (7) The provisions of this chapter shall apply to all written franchise
16 agreements between a manufacturer or distributor and a dealer, including
17 the franchise offering, the franchise agreement, sales of goods, services
18 or advertising, leases or mortgages of real or personal property, promises
19 to pay, security interests, pledges, insurance contract, advertising con-
20 tract, construction or installation contract, servicing contracts and all
21 other agreements where the manufacturer or distributor has any direct or
22 indirect interest.

23 (8) (a) It shall be unlawful for any manufacturer or distributor,
24 whether by agreement, program, incentive provision, or provision for
25 loss of incentive payments or other benefits, to establish or implement
26 a franchise agreement for the sales and leasing of new motor vehicles
27 under which the manufacturer or distributor reserves the right to:

28 (i) Maintain a website or other electronic or digital means of
29 communication for the manufacturer or distributor to negotiate
30 binding terms of sale or leasing of new motor vehicles directly
31 with the retail buyer or lessee without the involvement of a dealer
32 on prices or other substantive terms of sale or leasing of new ve-
33 hicles;

34 (ii) Retain ownership of new motor vehicles until they are sold or
35 leased to the retail buyer or lessee;

36 (iii) Except for the sale or lease of a vehicle to a bona fide em-
37 ployee or relative of such manufacturer or distributor or in con-
38 nection with a replacement or buyback, or to a bona fide employee
39 or relative of a dealer under an employee pricing or similar pro-
40 gram, consign new motor vehicles to dealers for dealer inventory
41 or for sale or lease to a retail buyer or lessee;

42 (iv) Negotiate binding terms of sale directly with retail buy-
43 ers or lessees of new motor vehicles without the involvement of a
44 dealer, provided that displaying on a website or other electronic
45 or digital means of communication conditional prices, available
46 financing sources, or conditional trade-in values that are not
47 binding on a dealer shall not be considered negotiating;

48 (v) Enforce or seek to enforce a right in any franchise agreement
49 for the manufacturer or distributor to unilaterally amend or mod-
50 ify the franchise agreement; or

1 (vi) Amend or modify or attempt to amend or modify any dealer sales
2 and service agreement, including but not limited to the dealer's
3 relevant market area if the amendment or modification substan-
4 tially and adversely affects the dealer's rights, obligations,
5 investment or return on investment, without giving sixty (60) days
6 advance written notice of the proposed amendment or modification
7 to the dealer.

8 (b) Nothing in this subsection shall prevent a manufacturer or distrib-
9 utor from:

10 (i) Participating in fleet sales or leasing with a fleet customer
11 that has a designation as such by the manufacturer or distributor
12 as long as such sales or leases are conducted with the involvement
13 of a dealer of the same line make;

14 (ii) Authorizing or assisting a fleet customer that has a des-
15 ignation as such by the manufacturer or distributor to perform
16 warranty service on vehicles owned or operated by such fleet cus-
17 tomers;

18 (iii) Offering, providing, and applying the terms of an employee
19 pricing or similar program with participating dealers;

20 (iv) Negotiating binding terms of sale relating to the sale or
21 lease of a vehicle to a bona fide employee or relative of such manu-
22 facturer or distributor;

23 (v) Negotiating binding terms of sale relating to the sale or
24 lease of a vehicle to a bona fide employee or relative of a fran-
25 chised dealer under an employee pricing program or similar pro-
26 gram;

27 (vi) Negotiating binding terms of sale relating to the sale or
28 lease of a vehicle in connection with a vehicle replacement or buy-
29 back;

30 (vii) Purchasing from a consumer a vehicle in connection with a ve-
31 hicle replacement or buyback;

32 (viii) Maintaining a website or other electronic or digital means
33 of communication if the final selling or leasing price of the new
34 vehicle is determined by eligible dealers; or

35 (ix) Setting or advertising a manufacturer's suggested retail
36 price or lease example pricing based on a manufacturer's suggested
37 retail price, special financing, or lease offers.

38 (9) (a) Within the sixty (60) day notice period provided for in sub-
39 section ~~(8) (a) (vii)~~ (8) (a) (vi) of this section, the dealer may pursue
40 remedies under section 49-1617, Idaho Code, and file with the depart-
41 ment and serve upon the respondent a petition to determine whether
42 good cause exists for permitting the proposed modification. Multiple
43 complaints pertaining to the same proposed modification may be con-
44 solidated for hearing. The proposed modification may not take effect
45 pending the determination of any protest filed by a dealer. In making a
46 determination of whether there is good cause for permitting a proposed
47 modification of a dealer sales and service agreement, including but not
48 limited to a dealer's relevant market area, the burden of proof shall be
49 on the manufacturer or distributor, except that the burden of proof with
50 regard to the factor set forth in subparagraph (iii) of this paragraph

1 shall be on the dealer. The department shall consider any relevant fac-
2 tor, including:

- 3 (i) The reasons for the proposed modification;
4 (ii) Whether the proposed modification is applied to or affects
5 all motor vehicle dealers in a nondiscriminatory manner;
6 (iii) The degree to which the proposed modification will have
7 a substantial and adverse effect on the motor vehicle dealer's
8 rights, investment, or return on investment; and
9 (iv) Whether the proposed modification is in the public interest.

10 (b) With respect to a proposed modification of a dealer's relevant mar-
11 ket area the department shall also consider:

- 12 (i) The traffic patterns between consumers and the same line-
13 make franchised dealers of the affected manufacturer or distrib-
14 utor who are located within the market;
15 (ii) The pattern of new vehicle sales and registrations of the af-
16 fected manufacturer or distributor within various portions of the
17 relevant market area and within the market as a whole;
18 (iii) The growth or decline in population, density of population,
19 and new car registrations in the market;
20 (iv) The presence or absence of natural geographical obstacles or
21 boundaries;
22 (v) The proximity of census tracts or other geographic units used
23 by the affected manufacturer or distributor in determining the
24 same line-make dealers' respective relevant market area; and
25 (vi) The reasonableness of the change or proposed change to the
26 dealer's relevant market area, considering the benefits and harm
27 to the petitioning dealer, other same line-make dealers, and the
28 manufacturer or distributor.

29 (10) It shall be unlawful for any manufacturer or distributor to imple-
30 ment a program or policy that coerces or requires the franchisee to install
31 direct current fast charging stations for public access or use or any simi-
32 lar public-facing infrastructure relating to charging, fueling, or powering
33 a vehicle. For purposes of this section, the term "coerce" means the use of
34 force or threats to compel a dealer to take a specific action. "Coerce" in-
35 cludes threatening to withhold vehicles or parts from a franchisee or charg-
36 ing a franchisee a higher price for vehicles or parts on the basis of the
37 franchisee refusing, declining, or failing to perform a specific behavior.
38 Provided, however, that nothing contained in this subsection shall be deemed
39 to prohibit or prevent a manufacturer or distributor from requiring a fran-
40 chisee to purchase special tools or equipment, install reasonable charging
41 infrastructure, stock reasonable quantities of certain parts, or partici-
42 pate in training, reasonable sales and service programs, or policies that
43 are reasonably necessary for such franchisee to sell or service any model or
44 series of vehicles.

45 SECTION 20. That Section 54-1810, Idaho Code, be, and the same is hereby
46 amended to read as follows:

47 54-1810. PHYSICIAN LICENSURE BY WRITTEN EXAMINATION. Any person seek-
48 ing to be licensed to practice medicine or osteopathic medicine as a physi-

1 cian in this state must successfully complete the following requirements be-
2 fore a license will be issued:

3 (1) Each applicant must submit a completed written application to the
4 board on forms furnished by the board, which shall require proof of gradua-
5 tion from a medical school acceptable to the board and successful completion
6 of a postgraduate training program acceptable to the board. The application
7 shall require a fingerprint-based criminal history check in accordance with
8 section 67-9411A, Idaho Code. 7

9 (2) Each applicant must pass an examination conducted by or acceptable
10 to the board that shall thoroughly test the applicant's fitness to practice
11 medicine. If an applicant fails to pass any step of the examination on two
12 (2) separate occasions, the applicant may be required to be interviewed,
13 evaluated, or examined by the board.

14 (3) The board may require an applicant to be personally interviewed by
15 the board or a designated committee of the board. Such an interview shall be
16 limited to a review of the applicant's qualifications and professional cre-
17 dentials.

18 (4) For an international physician licensed pursuant to section
19 54-1812, Idaho Code, successful completion of the three (3) year provisional
20 license period shall constitute a postgraduate training experience accept-
21 able to the board.

22 SECTION 21. That Section 54-2018, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 54-2018. LICENSE RENEWALS -- INACTIVE LICENSE STATUS -- PERSONAL
25 CHANGES -- EFFECTIVE DATES -- FEES NONREFUNDABLE. (1) Initial license pe-
26 riod. Each new license shall be for a period of one (1) year plus the months
27 up to and including the next birthday of the licensee, not to exceed a period
28 of two (2) years, and shall expire on the birthday of the licensee. A sales-
29 person licensed in this state who applies for and obtains a broker license
30 shall retain the license renewal period and expiration date of his salesper-
31 son license. Corporations, partnerships, limited liability companies and
32 other entities defined as "persons" in this chapter shall have established
33 as the equivalent of a birth date, the birth date of its designated broker
34 in accordance with the provisions of section 67-2614, Idaho Code. Licensed
35 branch offices shall have established as the equivalent of a birth date, the
36 birth date of the designated broker for the branch office.

37 (2) License renewal. Each license shall be renewable in accordance
38 with the provisions of section 67-2614, Idaho Code.

39 (a) If renewing an active license, the application shall include:

40 (i) Certification that the applicant has met the commis-
41 sion's continuing education requirements as set forth in section
42 54-2023, Idaho Code;

43 (ii) Certification that the applicant has met the mandatory
44 errors and omissions insurance requirement for real estate li-
45 censees as set forth in section 54-2013, Idaho Code; and

46 (iii) Payment of all renewal fees established by this chapter or by
47 the commission.

1 (b) If renewing an inactive license, the application shall include pay-
2 ment of all renewal fees established by this chapter or by the commis-
3 sion by rule.

4 (3) Late renewal. If the licensee fails to submit a completed applica-
5 tion for renewal or pay the renewal fee on or before the expiration date, the
6 commission may accept a later application or payment of the fee, subject to
7 such conditions as the commission may require including, but not limited to,
8 the assessment of a late fee; provided that between the license expiration
9 date and the date of renewal of the license, the rights of the licensee under
10 such license shall be expired, and during such period of expiration it shall
11 be unlawful for any licensee to do or attempt to offer to do any of the acts
12 of the kind and nature described in the definitions of real estate broker or
13 real estate salesperson in section 54-2004, Idaho Code, in consideration of
14 compensation of any kind or expectation thereof. An expired license that is
15 not renewed within one (1) year of the expiration date shall be automatically
16 terminated by the commission and may not be renewed.

17 (4) Active and inactive license status. A licensee who is a designated
18 broker or associated with a designated broker shall hold an active license.
19 A licensee who has paid all applicable fees, who is not associated with a des-
20 ignated broker and who holds a current license that is not revoked, suspended
21 or terminated shall hold his license on inactive status. A licensee seeking
22 to change from active license status to inactive license status shall have
23 the broker submit a change of status application to the commission in the
24 form and manner approved by the commission. During the period that his li-
25 cense is inactive, the licensee shall not engage in the business or act in the
26 capacity of real estate broker, associate broker or salesperson. However,
27 an inactive licensee may receive a referral fee for any referral made during
28 the period his license was active. A licensee may activate an inactive li-
29 cense by meeting each of the following:

30 (a) If activating as a sales associate, associating with a designated
31 Idaho broker and having the broker submit an application in the form and
32 manner approved by the commission;

33 (b) If activating as a designated broker, establishing an office in the
34 manner required by this chapter and submitting an application in the
35 form and manner approved by the commission;

36 (c) Paying any required fees;

37 (d) Obtaining and maintaining a policy of errors and omissions insur-
38 ance as required by section 54-2013, Idaho Code, and in accordance with
39 the rules of the commission and certifying the same; and

40 (e) Successfully completing any continuing education requirements, as
41 prescribed in section 54-2023, Idaho Code, and certifying the same for
42 the current license period.

43 (5) Continuing education. A licensee shall not submit an application
44 to renew a license on active status or to activate an inactive license with-
45 out having obtained the continuing education credit hours required by sec-
46 tion 54-2023, Idaho Code. A licensee who violates this subsection shall be
47 subject to disciplinary action by the commission.

48 (6) Time required. The commission may request satisfactory proof of
49 continuing education compliance from any licensee who has certified to the
50 commission that he has completed the requirement. The request shall state

1 the time within which the proof must be received at the commission office,
2 which time shall not be less than ten (10) business days.

3 (7) Satisfactory proof. Upon request from the commission, the licensee
4 shall submit satisfactory proof of having met the continuing education re-
5 quirement set forth in section 54-2023, Idaho Code. "Satisfactory proof"
6 shall, for each course, consist of documentation:

7 (a) Identifying the licensee, the title of the course, the course cer-
8 tification number, the course provider, the number of classroom hours,
9 the completion date of the course, and including:

10 (i) A transcript of the course taken;

11 (ii) A letter from the provider verifying successful completion
12 of the course; or

13 (iii) A course completion certificate; and

14 (b) Identifying the course certification approval number to establish
15 that the course is approved for continuing education credit as provided
16 by section 54-2023, Idaho Code. The commission may, in its sole discre-
17 tion, accept alternative documentation establishing that the course is
18 approved for credit.

19 (8) Failure to submit proof. A licensee failing to submit satisfac-
20 tory proof of completing the continuing education requirement after being
21 requested to do so by the commission may have his license inactivated by the
22 commission and shall not be entitled to reactivate the license unless and un-
23 til he provides to the commission satisfactory proof that he meets the con-
24 tinuing education requirements of section 54-2023, Idaho Code. Nothing in
25 this section shall limit the ability of the commission to investigate or dis-
26 cipline a licensee for violating subsection (5) of this section or for vio-
27 lating any other section of this chapter.

28 (9) Change in personal information. An individual licensee, whether
29 active or inactive, shall provide written notice to the commission, in the
30 form and manner approved by the commission, of any change of his personal
31 name, address of personal residence or personal telephone number. Notice
32 shall be provided within ten (10) business days of the change. If the li-
33 censee has changed his personal name, he shall also submit legal proof of the
34 change and, if an active licensee, he shall have the broker submit the writ-
35 ten notice of change to the commission.

36 (10) Issuance of the license and effective date. A real estate license
37 shall be deemed issued, and any requested license changes shall become ef-
38 fective, when the completed application, attachments, and any required fees
39 are received at and approved by the commission. An application that is in-
40 complete or lacking the required fees shall be returned to the applicant and
41 no license shall be issued until a completed application and all required
42 fees are received at and actually approved by the commission. A brokerage is
43 not required to obtain, display or possess a physical license certificate as
44 evidence of the individual's active licensure; however, the commission may
45 make license certificates available for a fee as authorized by this chapter.
46 A brokerage shall not display or otherwise make available to the public a li-
47 cense certificate for any individual who does not hold an active license with
48 the brokerage.

49 (11) Fees nonrefundable. No licensee shall be entitled to a refund of
50 any fee after the license or license change has become effective.

1 SECTION 22. That Section 54-5504, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-5504. RULEMAKING. (1) The rules adopted by the board shall:

4 (a) Allow a midwife to obtain and administer, during the practice of
5 midwifery, the following:

6 (i) Oxygen;

7 (ii) Oxytocin, misoprostol, and methylergonovine as postpartum
8 antihemorrhagic agents;

9 (iii) Injectable local anesthetic for the repair of lacerations
10 that are no more extensive than second degree;

11 (iv) Antibiotics to the mother for group b streptococcus prophylaxis
12 consistent with guidelines of the United States centers for
13 disease control and prevention;

14 (v) Epinephrine to the mother administered for anaphylactic
15 shock;

16 (vi) Intravenous fluids for stabilization of the mother;

17 (vii) ~~Rho (d)~~ Rho (D) immune globulin;

18 (viii) Phytonadione; and

19 (ix) Eye prophylactics to the child.

20 (b) Prohibit the use of other legend drugs, except those of a similar
21 nature and character as determined by the board to be consistent with
22 the practice of midwifery; provided that at least one hundred twenty
23 (120) days' advance notice of the proposal to allow the use of such drugs
24 is given to the board of pharmacy and the board of medicine and neither
25 board objects to the addition of such drugs to the midwifery formulary;

26 (c) Define a protocol for use by licensed midwives of drugs approved in
27 paragraphs (a) and (b) of this subsection that shall include methods of
28 obtaining, storing, and disposing of such drugs and an indication for
29 use, dosage, route of administration, and duration of treatment;

30 (d) Define a protocol for medical waste disposal; and

31 (e) Establish scope and practice standards for antepartum, intra-
32 partum, postpartum, and newborn care that shall, at a minimum:

33 (i) Prohibit a licensed midwife from providing care for a client
34 with a history of disorders, diagnoses, conditions, or symptoms
35 that include:

36 1. Placental abnormality;

37 2. Multiple gestation, except that midwives may provide ante-
38 partum care that is supplementary to the medical care of
39 the physician overseeing the pregnancy, as long as it does
40 not interfere with the physician's recommended schedule of
41 care;

42 3. Noncephalic presentation at the onset of labor or rupture
43 of membranes, whichever occurs first;

44 4. Birth under thirty-seven and zero-sevenths (37 0/7)
45 weeks and beyond forty-two and zero-sevenths (42 0/7) weeks
46 gestational age;

47 5. A history of more than one (1) prior cesarean section,
48 a cesarean section within eighteen (18) months of the esti-

- 1 mated due date or any cesarean section that was surgically
 2 closed with a classical or vertical uterine incision;
 3 6. Platelet sensitization, hematological, or coagulation
 4 disorders;
 5 7. A body mass index of forty (40.0) or higher at the time of
 6 conception;
 7 8. Prior chemotherapy and/or radiation treatment for a ma-
 8 lignancy;
 9 9. Previous preeclampsia resulting in premature delivery;
 10 10. Cervical insufficiency;
 11 11. HIV positive status; or
 12 12. Opiate use that places the infant at risk of neonatal ab-
 13 stinence syndrome.
- 14 (ii) Prohibit a licensed midwife from providing care for a client
 15 with a history of the following disorders, diagnoses, conditions,
 16 or symptoms, unless such disorders, diagnoses, conditions, or
 17 symptoms are being treated, monitored, or managed by a licensed
 18 health care provider:
- 19 1. Diabetes;
 - 20 2. Thyroid disease;
 - 21 3. Epilepsy;
 - 22 4. Hypertension;
 - 23 5. Cardiac disease;
 - 24 6. Pulmonary disease;
 - 25 7. Renal disease;
 - 26 8. Gastrointestinal disorders;
 - 27 9. Previous major surgery of the pulmonary system, cardio-
 28 vascular system, urinary tract, or gastrointestinal tract;
 - 29 10. Abnormal cervical cytology;
 - 30 11. Sleep apnea;
 - 31 12. Previous bariatric surgery;
 - 32 13. Hepatitis;
 - 33 14. History of illegal drug use or excessive prescription
 34 drug use; or
 - 35 15. Rh or other blood group disorders and a physician deter-
 36 mines the pregnancy can safely be attended by a midwife.
- 37 (iii) Require a licensed midwife to recommend that a client see
 38 a physician licensed pursuant to chapter 18, title 54, Idaho
 39 Code, or an equivalent provision of the law of a state bordering
 40 Idaho and to document and maintain a record as required by section
 41 54-5510, Idaho Code, if such client has a history of disorders,
 42 diagnoses, conditions, or symptoms that include:
- 43 1. Previous complicated pregnancy;
 - 44 2. Previous cesarean section;
 - 45 3. Previous pregnancy loss in second or third trimester;
 - 46 4. Previous spontaneous premature labor;
 - 47 5. Previous preterm rupture of membranes;
 - 48 6. Previous preeclampsia;
 - 49 7. Previous hypertensive disease of pregnancy;
 - 50 8. Parvo;

- 1 9. Toxo;
- 2 10. CMV;
- 3 11. HSV;
- 4 12. Previous maternal/newborn group b streptococcus infec-
- 5 tion;
- 6 13. A body mass index of at least thirty-five (35.0) but less
- 7 than forty (40.0) at the time of conception;
- 8 14. Underlying family genetic disorders with potential for
- 9 transmission; or
- 10 15. Psychosocial situations that may complicate pregnancy.

11 (iv) Require that a licensed midwife facilitate the immediate
 12 transfer to a hospital for emergency care for disorders, diag-
 13 noses, conditions, or symptoms that include:

- 14 1. Maternal fever in labor;
- 15 2. Suggestion of fetal jeopardy, such as bleeding or meco-
- 16 nium or abnormal fetal heart tones;
- 17 3. Noncephalic presentation at the onset of labor or rup-
- 18 ture of membranes, whichever occurs first, unless imminent
- 19 delivery is safer than transfer;
- 20 4. Second-stage labor after two (2) hours of initiation of
- 21 pushing when the mother has had a previous cesarean section;
- 22 5. Current spontaneous premature labor;
- 23 6. Current preterm premature rupture of membranes;
- 24 7. Current preeclampsia;
- 25 8. Current hypertensive disease of pregnancy;
- 26 9. Continuous uncontrolled bleeding;
- 27 10. Bleeding that necessitates the administration of more
- 28 than two (2) doses of oxytocin or other antihemorrhagic
- 29 agent;
- 30 11. Delivery injuries to the bladder or bowel;
- 31 12. Grand mal seizure;
- 32 13. Uncontrolled vomiting;
- 33 14. Coughing or vomiting of blood;
- 34 15. Severe chest pain; or
- 35 16. Sudden onset of shortness of breath and associated la-
- 36 bored breathing.

37 A transfer of care shall be accompanied by the client's medical
 38 record, the licensed midwife's assessment of the client's current
 39 condition, and a description of the care provided by the licensed
 40 midwife prior to transfer;

41 (v) Establish a written plan for the emergency transfer and
 42 transport required in subparagraph (iv) of this paragraph and for
 43 notifying the hospital to which a client will be transferred in
 44 the case of an emergency. If a client is transferred in an emer-
 45 gency, the licensed midwife shall notify the hospital when the
 46 transfer is initiated and accompany the client to the hospital if
 47 feasible, or communicate by telephone with the hospital if unable
 48 to be present personally, and shall provide the client's medi-
 49 cal record. The record shall include the client's name, address,
 50 list of diagnosed medical conditions, list of prescription or

1 over-the-counter medications regularly taken, history of previ-
 2 ous allergic reactions to medications, if feasible, the client's
 3 current medical condition and description of the care provided by
 4 the midwife, and next-of-kin contact information. A midwife who
 5 deems it necessary to transfer or terminate care pursuant to this
 6 section and any rules promulgated pursuant to this section or for
 7 any other reason shall transfer or terminate care and shall not be
 8 regarded as having abandoned care or wrongfully terminated ser-
 9 vices. Before nonemergent discontinuing of services, the midwife
 10 shall notify the client in writing, provide the client with names
 11 of licensed physicians and contact information for the nearest
 12 hospital emergency room, and offer to provide copies of medical
 13 records regardless of whether copying costs have been paid by the
 14 client.

15 (f) Establish and operate a system of peer review for licensed midwives
 16 that shall include but not be limited to the appropriateness, quality,
 17 utilization, and ethical performance of midwifery care.

18 (2) The rules adopted by the board may not:

19 (a) Require a licensed midwife to have a nursing degree or diploma;

20 (b) Except as a condition imposed by disciplinary proceedings by the
 21 board, require a licensed midwife to practice midwifery under the su-
 22 pervision of another health care provider;

23 (c) Except as a condition imposed by disciplinary proceedings by the
 24 board, require a licensed midwife to enter into an agreement, written or
 25 otherwise, with another health care provider;

26 (d) Limit the location where a licensed midwife may practice midwifery;

27 (e) Allow a licensed midwife to use vacuum extraction or forceps as an
 28 aid in the delivery of a newborn;

29 (f) Grant a licensed midwife prescriptive privilege; or

30 (g) Allow a licensed midwife to perform abortions.

31 SECTION 23. That Section 55-3203, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 55-3203. DEFINITIONS. As used in this chapter:

34 (1) "Board" means the entity that has the duty of governing the home-
 35 owner's association and may be referred to as a board of directors, executive
 36 board, or any other such similar name.

37 (2) "Community manager" means a person or agent who provides for or oth-
 38 erwise engages in the management of a common interest community or the man-
 39 agement of a homeowner's association.

40 (3) "Financial disclosure" means the accounting records of the organi-
 41 zation that are kept, disclosed, and made available for inspection in accor-
 42 dance with part 11, chapter 30, title 30, Idaho Code, and the governing docu-
 43 ments of the homeowner's association.

44 (4) "Governing documents" means a written instrument by which the home-
 45 owner's association may exercise powers or manage, maintain, or otherwise
 46 affect the property under the jurisdiction of the homeowner's association.
 47 Governing documents includes but is not limited to articles of incorpora-
 48 tion, bylaws, a plat, rules of the homeowner's association, and any declara-
 49 tion of covenants, conditions, and restrictions.

1 (5) (a) "Homeowner's association" means any incorporated or unincorporated association:
2

3 (i) In which membership is based on owning or possessing an interest in real property; and
4

5 (ii) That has the authority, pursuant to recorded covenants, by-laws, or other governing documents, to assess and record liens against the real property of its members.
6
7

8 (b) "Homeowner's association" includes the following persons who may or may not be members of a homeowner's association or serve on the board of a homeowner's association:
9
10

11 (i) A community manager pursuant to a contract with a homeowner's association; and
12

13 (ii) An agent or person with explicit or apparent authority to act on behalf of a homeowner's association.
14

15 (6) "Member" or "membership" means any person or entity owning or possessing an interest in residential real property or a lot within the physical boundaries of an established homeowner's association.
16
17

18 ~~(6)~~ (7) "Transfer fee" means a fee, charge, or assessment, as that term is described in chapter 31, title 55, Idaho Code, charged by the homeowner's association and payable to the homeowner's association upon the transfer of an interest in real property that is under the jurisdiction of the homeowner's association.
19
20
21
22

23 SECTION 24. That Section 56-270, Idaho Code, as enacted by Section 1, Chapter 204, Laws of 2024, be, and the same is hereby amended to read as follows:
24
25

26 ~~56-270~~ 56-271. MEDICAID BUDGET STABILIZATION FUND. There is hereby created in the state treasury the medicaid budget stabilization fund. By the close of fiscal year 2025 or as soon thereafter as practicable, a total of twelve million dollars (\$12,000,000) of all unobligated general fund moneys remaining in the cooperative welfare fund from appropriations made to the division of medicaid shall be transferred to the Idaho millennium income fund established in section 67-1806, Idaho Code. Beginning in fiscal year 2024 and each year thereafter, the remainder of any unobligated general fund moneys remaining in the cooperative welfare fund from appropriations made to the division of medicaid shall be transferred to the medicaid budget stabilization fund following the department of health and welfare's year-end reconciliation. Moneys in the medicaid budget stabilization fund shall consist of such transfers and such other moneys that may be provided by legislative appropriation. The state treasurer shall invest idle moneys in the medicaid budget stabilization fund, and the interest earned on such moneys shall be retained by the fund. Moneys in the medicaid budget stabilization fund shall be expended solely for the purpose of meeting general fund revenue shortfalls or covering unanticipated expenses for services administered by the division of medicaid and shall only be expended pursuant to legislative appropriation.
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

46 SECTION 25. That Section 56-270, Idaho Code, as enacted by Section 1, Chapter 288, Laws of 2024, be, and the same is hereby amended to read as follows:
47
48

1 ~~56-270~~ 56-272. LEGISLATIVE APPROVAL OF WAIVERS AND STATE PLAN AMEND-
2 MENTS. Notwithstanding any provision of law to the contrary, the state
3 department of health and welfare shall not seek or implement a medicaid state
4 plan amendment or a waiver pursuant to section 1115 or 1915 of the social
5 security act that would expand coverage to any additional individuals or
6 class of individuals or would increase any cost to the state without first
7 obtaining approval from the legislature. Such approval must be provided
8 in statute. The provisions of this section shall not affect any state plan
9 amendment or waiver program already implemented as of the effective date of
10 this section.

11 SECTION 26. That Section 56-270, Idaho Code, as enacted by Section 3,
12 Chapter 209, Laws of 2024, be, and the same is hereby amended to read as fol-
13 lows:

14 ~~56-270~~ 56-273. PROHIBITION ON REIMBURSEMENT AND COVERAGE. (1) Pur-
15 suant to chapter 89, title 18, Idaho Code, the Idaho medicaid program shall
16 not reimburse or provide coverage for any surgical operation or medical
17 intervention described in section 18-1506C(3), Idaho Code, for purposes of
18 altering the appearance of an individual in order to affirm the individual's
19 perception of the individual's sex in a way that is inconsistent with the
20 individual's biological sex regardless of whether the surgical operation
21 or medical intervention is administered to a minor or an adult, except ex-
22 empted surgical operations or medical interventions described in section
23 18-8901(1), Idaho Code.

24 (2) The department of health and welfare and any other state agency who
25 provides medicaid services shall promulgate rules, subject to legislative
26 approval, directing medicaid provider agreements to contain certifications
27 that no public funds have been used in violation of section 18-8901, Idaho
28 Code.

29 SECTION 27. That Section 56-270, Idaho Code, as enacted by Section 1,
30 Chapter 149, Laws of 2024, be, and the same is hereby amended to read as fol-
31 lows:

32 ~~56-270~~ 56-274. MEDICAID LEGISLATIVE REVIEW PANEL. (1) A medicaid leg-
33 islative review panel is hereby established.

34 (2) The cochairs of the panel shall be the chair of the house health and
35 welfare committee and the chair of the senate health and welfare committee.
36 Additional members shall be appointed by the speaker of the house of repre-
37 sentatives and the president pro tempore of the senate, and at least one (1)
38 senator and one (1) representative shall be members of the minority caucus.

39 (3) The medicaid legislative review panel shall be staffed by the leg-
40 islative services office.

41 (4) The medicaid legislative review panel shall meet at the direction
42 of the cochairs to review contracts related to medicaid, to make recommenda-
43 tions on key indicators and performance measures to be included in any med-
44 icaid contract, to recommend any data to be collected as a part of a medic-
45 aid contract, and other duties as determined by the legislature, legislative
46 council, or initiative of the cochairs of the panel.

1 (5) The medicaid legislative review panel shall prepare a report summa-
 2 rizing activities undertaken and any recommendations made and shall submit
 3 that report to the legislative council.

4 SECTION 28. That Chapter 19, Title 56, Idaho Code, as enacted by Section
 5 1, Chapter 224, Laws of 2024, be, and the same is hereby amended to read as
 6 follows:

7 CHAPTER ~~19~~ 20
 8 PREEMPTION OF GUARANTEED INCOME PROGRAMS

9 ~~56-1901~~ 56-2001. DEFINITION. As used in this chapter, "guaranteed in-
 10 come program" means a plan funded or administered by the government under
 11 which an individual is provided with regular, unconditional cash payments to
 12 be used for any purpose by the individual. "Guaranteed income program" does
 13 not include a program under which an individual is required to seek reemploy-
 14 ment, perform work, or attend training as a condition of any payments.

15 ~~56-1902~~ 56-2002. PREEMPTION. Except as expressly authorized by state
 16 statute, a county, city, agency, board, or any other political subdivision
 17 of this state shall not adopt or enforce any law, rule, regulation, or ordi-
 18 nance for the purpose of making payments to individuals under a guaranteed
 19 income program. Any law, rule, regulation, or ordinance prohibited by this
 20 chapter is null and void.

21 SECTION 29. That Chapter 19, Title 56, Idaho Code, as enacted by Section
 22 1, Chapter 264, Laws of 2024, be, and the same is hereby amended to read as
 23 follows:

24 CHAPTER ~~19~~ 21
 25 CRISIS RESPONSE FOR PERSONS WITH A NEUROCOGNITIVE DISORDER

26 ~~56-1901~~ 56-2101. LEGISLATIVE INTENT. It is the intent of the legis-
 27 lature that persons with a neurocognitive disorder who are in acute crisis
 28 due to an unidentified underlying medical condition can get the care they
 29 need and return home once the underlying medical condition is resolved. The
 30 legislature further intends that state agencies and community partners will
 31 collaborate to provide the most dignified care for persons with a neurocog-
 32 nitive disorder.

33 ~~56-1902~~ 56-2102. GOVERNMENTAL LIABILITY. All provisions of chapter 9,
 34 title 6, Idaho Code, shall apply to any claim of tortious conduct on the part
 35 of a person ~~action~~ acting or refusing to act in conformance with this chap-
 36 ter.

37 ~~56-1903~~ 56-2103. DEFINITIONS. As used in this chapter:
 38 (1) "Department" means the state department of health and welfare.
 39 (2) "Health care provider" means a person licensed, certified, or
 40 otherwise authorized by law to administer health care services in the ordi-
 41 nary course of business or practice of a profession, including a physician,
 42 physician assistant, and advanced practice registered nurse.

1 (3) "Health care services" means services for the diagnosis, preven-
2 tion, treatment, cure, or relief of a health condition, illness, injury, or
3 disease.

4 (4) "Hospital" means a medical hospital as defined in section 39-1301,
5 Idaho Code, including freestanding emergency departments.

6 (5) "Likely to injure themselves or others" means:

7 (a) A substantial risk that serious physical harm will be inflicted by
8 the person upon their own person, as evidenced by threats of suicide or
9 threats to inflict serious physical harm on themselves;

10 (b) A substantial risk that serious physical harm will be inflicted by
11 the person upon another as evidenced by behavior that has caused such
12 harm or that places another person or persons in reasonable fear of sus-
13 taining such harm; or

14 (c) The person lacks insight into the need for treatment and is unable
15 or unwilling to comply with treatment based on the person's medical
16 history, clinical observation, or other clinical evidence, and if the
17 person does not receive and comply with treatment, there is a substan-
18 tial risk that the person will continue to physically, emotionally,
19 or cognitively deteriorate to the point that the person will, in the
20 reasonably near future, inflict serious physical harm on themselves or
21 another person.

22 (6) "Neurocognitive disorder" has the same meaning as provided in sec-
23 tion 66-317(13), Idaho Code, except that for purposes of this chapter neu-
24 rocognitive disorder does not include decreased mental function due to inap-
25 propriate use or abuse of substances or medications.

26 (7) "Peace officer" means an employee of a law enforcement agency that
27 is a part of or administered by the state or any political subdivision of the
28 state and whose duties include and primarily consist of the prevention and
29 detection of crime and the enforcement of penal, traffic, or highway laws
30 of the state or any political subdivision of the state. Peace officer also
31 means an employee of a police or law enforcement agency of a federally recog-
32 nized Indian tribe who has satisfactorily completed the peace officer stan-
33 dards and training academy and has been deputized by a sheriff of a county or
34 a chief of police of a city of the state of Idaho.

35 (8) "Protective custody" means when a peace officer detains a person
36 and takes such person to a hospital. The peace officer shall make every rea-
37 sonable effort to protect the person's health and safety while the peace of-
38 ficer takes reasonable steps to protect the peace officer's safety. Protec-
39 tive custody under this section is not an arrest.

40 ~~56-1904~~ 56-2104. PROTECTIVE CUSTODY WITHOUT HEARING. (1) No person
41 shall be taken into protective custody or detained as an alleged emergency
42 patient for observation, diagnosis, evaluation, care or treatment of a
43 neurocognitive disorder unless and until the court has ordered such ap-
44 prehension and custody pursuant to section ~~56-1905~~ 56-2105, Idaho Code;
45 provided, however, that a person may be taken into custody by a peace officer
46 and placed in a hospital, or the person may be detained at a hospital at which
47 the person presented or was brought to receive medical care, if the peace
48 officer or a health care provider in such hospital has reason to believe
49 that person has a neurocognitive disorder and the person is likely to injure

1 themselves or others; provided, under no circumstances shall the person be
2 detained in a nonmedical unit used for the detention of persons charged with
3 or convicted of penal offenses. Whenever a person is taken into custody or
4 detained pursuant to this section without a court order, the evidence sup-
5 porting the claim that the person with the neurocognitive disorder is likely
6 to injure themselves or others must be presented to a duly authorized court
7 within twenty-four (24) hours from the time the person was placed in custody
8 or detained.

9 (2) If the court finds there is reason to believe the person is likely
10 to have a neurocognitive disorder and likely to injure themselves or others
11 pursuant to subsection (1) of this section, the court shall issue a temporary
12 protective placement custody order requiring the person to be held in a hos-
13 pital and requiring an examination of the person by a health care provider in
14 such hospital within twenty-four (24) hours of the entry of the order of the
15 court. Under no circumstances shall the person be detained in a nonmedical
16 unit used for the detention of persons charged with or convicted of penal of-
17 fenses.

18 (3) Where an examination is required pursuant to subsection (2) of this
19 section, the health care provider in such hospital shall make findings and
20 report to the court within twenty-four (24) hours of the examination.

21 (4) If at any time after the person is placed in protective custody the
22 health care provider in such hospital conducting the examination determines
23 the person no longer meets criteria for protective custody, the person shall
24 be deemed to be a voluntary patient and subject to release.

25 (5) If the health care provider in such hospital finds, in an examina-
26 tion pursuant to this section, that the person is likely to have a neurocog-
27 nitive disorder and is likely to injure themselves or others, the prosecut-
28 ing attorney shall file, within twenty-four (24) hours of the examination
29 of the person, a petition with the court requesting the person's continued
30 protective placement pending review proceedings pursuant to section ~~56-1905~~
31 56-2105, Idaho Code.

32 (6) Upon the receipt of such a petition, the court shall order the per-
33 son's detention to await hearing, which shall be within five (5) days, in-
34 cluding Saturdays, Sundays, and legal holidays, of the protective placement
35 order. If no petition is filed within twenty-four (24) hours of the exami-
36 nation described in subsection (5) of this section, the person shall be re-
37 leased from the protective placement.

38 (7) Upon taking a person into custody, a good faith effort shall be made
39 to provide notice to the person's legal guardian, parent, spouse, or adult
40 next of kin of the person's physical whereabouts and the reasons for taking
41 the person into custody.

42 (8) Nothing in this section shall preclude a hospital from transferring
43 a person who has been detained pursuant to this section to another hospital
44 that is willing to accept the transferred person for purposes of observa-
45 tion, diagnosis, evaluation, care, or treatment.

46 ~~56-1905~~ 56-2105. PROTECTIVE CUSTODY UPON COURT ORDER -- JUDICIAL PRO-
47 CEDURE. (1) Proceedings by a hospital for the involuntary care and treatment
48 of persons likely to have a neurocognitive disorder who are in acute crisis
49 due to an underlying medical condition may be commenced by the filing of a

1 written application for emergency protective placement with a court of com-
2 petent jurisdiction by a friend, relative, spouse, or guardian of the per-
3 son, by a health care provider practicing in a hospital, by a prosecuting at-
4 torney or other public official of a municipality, county, or the state of
5 Idaho, or by the director of any facility in which such person may be located.

6 (2) The application for emergency protective placement shall state the
7 name and last known address of the person; the name and address of the spouse,
8 guardian, next of kin, or friend of the person; whether the person can be
9 cared for privately in the event a hold is not ordered; whether the person is,
10 at the time of the application, a voluntary patient; whether the person has
11 applied for release; and a simple and precise statement of the facts show-
12 ing that the person is likely to have a neurocognitive disorder and is either
13 likely to injure themselves or others.

14 (3) Any such application for emergency protective placement shall be
15 accompanied by a certificate of a health care provider practicing in such
16 hospital stating that a health care provider practicing in such hospital has
17 personally examined the person within the last fourteen (14) days and is of
18 the opinion that the person has a neurocognitive disorder and is likely to
19 injure themselves or others and lacks capacity to make informed decisions
20 about treatment or by a written statement by the applicant that the person
21 has refused to submit to examination by a health care provider practicing in
22 such hospital.

23 (4) Upon receipt of an application for emergency protective placement,
24 the court shall, within forty-eight (48) hours, order another health care
25 provider practicing in such hospital to make a personal examination of the
26 person, or if the person has not been examined, the court shall appoint two
27 (2) health care providers practicing in such hospital to make individual
28 personal examinations of the person and may order the person to submit to an
29 immediate examination. If neither is a physician, the court shall order a
30 physical examination of the person. The health care provider practicing in
31 such hospital shall report to the court findings within the following sev-
32 enty-two (72) hours as to the medical condition of the person and the need
33 for custody, care, or treatment by a hospital. The reports shall be in the
34 form of written certificates that shall be filed with the court. The court
35 may terminate the proceedings and dismiss the application without taking any
36 further action in the event the reports are to the effect that the person is
37 not likely to injure themselves or others due to a neurocognitive disorder.
38 If the proceedings are terminated, the person shall be released immediately.

39 (5) If the health care provider practicing in such hospital certifies a
40 belief that the person is likely to injure themselves or others due to a neu-
41 rocognitive disorder, the judge shall issue an order authorizing any health
42 officer, peace officer, or director of a facility to take the person to a hos-
43 pital in the community in which the person is residing or to the nearest hos-
44 pital to await the hearing, and for good cause, may authorize treatment dur-
45 ing such period. Under no circumstances shall the person be detained in a
46 nonmedical unit used for the detention of individuals charged with or con-
47 victed of penal offenses.

48 (6) Upon receipt of such application for emergency protective place-
49 ment by the health care provider practicing in such hospital, the court
50 shall appoint a time and place for a hearing not more than seven (7) days from

1 the receipt of such certificates and thereupon give written notice of such
2 time and place of such hearing, together with a copy of the application, the
3 health care provider's certificates, and notice of the person's right to be
4 represented by an attorney or, if indigent, to be represented by a court-ap-
5 pointed attorney to the applicant, and to the person and the person's spouse,
6 guardian, next of kin, or friend. With the consent of the person and the
7 person's attorney, the hearing may be held immediately. Upon motion of the
8 petitioner, or upon motion of the person and the person's attorney, and for
9 good cause shown, the court may continue the hearing up to an additional
10 seven (7) days during which time, for good cause shown, the court may autho-
11 rize treatment.

12 (7) An opportunity to be represented by counsel shall be afforded to ev-
13 ery person and, if neither the person nor others provide counsel, the court
14 shall appoint counsel in accordance with chapter 8, title 19, Idaho Code, no
15 later than the time the application for emergency protective placement is
16 received by the court.

17 (8) If the protective placement is commenced under this section, the
18 hearing shall be held in a manner and at a suitable place not likely to have
19 a harmful effect on the person's physical or mental health. Venue for the
20 hearing shall be in the county of residence of the person or in the county
21 where the person was found immediately prior to commencement of such pro-
22 ceedings.

23 (9) In all proceedings under this section, any existing provision of
24 the law prohibiting the disclosure of confidential communications between
25 the person and the health care provider practicing in such hospital shall not
26 apply and any health care provider practicing in such hospital who shall have
27 examined the person shall be a competent witness to testify as to the per-
28 son's condition.

29 (10) The person, the applicant, and any other persons to whom notice is
30 required to be given shall be afforded an opportunity to appear at the hear-
31 ing to testify and to present and cross-examine witnesses. The person may,
32 after consulting with the person's attorney, request to waive the person's
33 presence at court. The court may waive the presence of the person if the men-
34 tal or physical state of the person is such that the person's presence at the
35 hearing would be detrimental to the person's health or would unduly disrupt
36 the proceedings. A record of the proceedings shall be made as for other civil
37 hearings. The hearing shall be conducted in as informal a manner as may be
38 consistent with orderly procedure. The court shall receive all relevant and
39 material evidence consistent with the rules of evidence.

40 (11) If, upon completion of the hearing and consideration of the record,
41 and after consideration of reasonable alternatives, the court finds by clear
42 and convincing evidence that the person likely has a neurocognitive disorder
43 and is likely to injure themselves or others, the court shall order the per-
44 son to be placed under protective custody of a suitable medical hospital for
45 observation, care, and treatment for an indeterminate period of time not to
46 exceed seven (7) days.

47 (12) The order of protective placement shall state whether the person
48 lacks capacity to make informed decisions about treatment and the name and
49 address of the person's attorney, spouse, guardian, adult next of kin, or
50 friend.

1 (13) If the person has no spouse or guardian and if the person has prop-
 2 erty that may not be cared for by the person while confined at a hospital,
 3 the court shall appoint a guardian ad litem for the purpose of preserving the
 4 person's estate, pending further guardianship or conservatorship proceed-
 5 ings.

6 ~~56-1906~~ 56-2106. DUTY TO REPORT INSTANCES OF EMERGENCY PROTECTIVE
 7 PLACEMENT. (1) Hospitals shall report all placements in which persons are
 8 placed in emergency protective placement pursuant to section ~~56-1904 or~~
 9 ~~56-1905~~ 56-2104 or 56-2105, Idaho Code, or an involuntary hold pursuant
 10 to section 66-326 or 66-329, Idaho Code, but determined by a health care
 11 provider to likely have a neurocognitive disorder and not mental illness to
 12 the department every quarter. Reports shall be due to the department on the
 13 last day of the month immediately following the end of the quarter, with the
 14 first report due April 30, 2025.

15 (2) Any and all patient information submitted as a part of a report re-
 16 quired under this section shall be protected and de-identified according to
 17 state and federal privacy laws.

18 (3) The hospital shall report:

19 (a) The number of emergency protective placements that were placed at a
 20 hospital by a health care provider;

21 (b) The number of emergency protective placements that were placed at a
 22 hospital by a peace officer;

23 (c) The number of emergency protective placements that were made for
 24 persons determined to have an underlying medical reason for placement
 25 in the hospital who also had a neurocognitive disorder;

26 (d) The number of emergency protective placements that were made for
 27 persons who did not have a neurocognitive disorder;

28 (e) For emergency protective placements made for persons who did not
 29 have a medical reason for placement in the hospital other than a neu-
 30 rocognitive disorder, how many had a length of stay after the emergency
 31 protective placement ended at the hospital that was:

32 (i) Between zero (0) and five (5) days;

33 (ii) Between six (6) and ten (10) days;

34 (iii) Between eleven (11) and thirty (30) days;

35 (iv) Between thirty-one (31) and sixty (60) days;

36 (v) Between sixty-one (61) and ninety (90) days; and

37 (vi) More than ninety (90) days; and

38 (f) For emergency protective placements made for persons who had a med-
 39 ical reason for placement in the hospital other than a neurocognitive
 40 disorder, how many had a length of stay after the emergency protective
 41 placement ended at the hospital that was:

42 (i) Between zero (0) and five (5) days;

43 (ii) Between six (6) and ten (10) days;

44 (iii) Between eleven (11) and thirty (30) days;

45 (iv) Between thirty-one (31) and sixty (60) days;

46 (v) Between sixty-one (61) and ninety (90) days; and

47 (vi) More than ninety (90) days.

1 (4) The department shall include a summary of all reports made pursuant
 2 to subsection (1) of this section in the annual report on Alzheimer's disease
 3 and related dementias as required in section 39-2701, Idaho Code.

4 ~~56-1907~~ 56-2107. RESPONSIBILITY FOR COSTS OF PROTECTIVE CUSTODY AND
 5 CARE OF PATIENTS. (1) As used in this section:

6 (a) "Protective custody period" means a period that begins when a
 7 person is taken into custody pursuant to sections ~~56-1904 and 56-1905~~
 8 56-2104 and 56-2105, Idaho Code, and ends when the patient is released
 9 from protective custody.

10 (b) "Routine medical care" includes care provided during the protec-
 11 tive custody period that includes hospital costs, including routine
 12 board, room, and support services.

13 (c) "Third-party applicant" means a person other than a patient who
 14 completes, signs, and files an application for medicaid on behalf of the
 15 patient. A third-party applicant may be an adult who is a member of the
 16 patient's family or household, the patient's authorized representa-
 17 tive, or, if the patient is incapacitated, someone, including an agent
 18 of a facility, who is acting responsibly for the patient.

19 (2) In instances where the person placed in protective custody is re-
 20 leased with no underlying medical conditions in addition to the person's
 21 neurocognitive disorder having been identified, costs associated with the
 22 protective custody shall be the responsibility of the person placed in
 23 protective custody, subject to the department of health and welfare's deter-
 24 mination of the person's ability to pay all or any part of such costs. The
 25 department shall:

26 (a) Use the state-approved fee determination form and sliding fee
 27 schedule described in rules promulgated by the department to determine
 28 the person's ability to pay;

29 (b) Inquire to determine if the person has insurance, including medical
 30 assistance provided under the state plan for medicaid as authorized by
 31 title XIX of the social security act, as amended; and

32 (c) Report its findings to the court.

33 (3) The court may order a person to pay costs consistent with this sec-
 34 tion.

35 (4) To the extent possible, the costs of routine medical care incurred
 36 during protective custody shall be assigned to a person's health insurance,
 37 including medical assistance provided under the state plan for medicaid as
 38 authorized by title XIX of the social security act, as amended. If a person
 39 may be eligible for medicaid but has not applied, a third-party applicant,
 40 including an agent at a hospital where a person is taken into custody or de-
 41 tained under this chapter, may submit a medicaid application to the depart-
 42 ment of health and welfare. The medical care provided while the person is in
 43 protective custody shall be presumed to be medically necessary for purposes
 44 of determining reimbursement for that care by third-party payers.

45 (5) Remaining costs for routine medical care shall be apportioned as
 46 follows:

47 (a) The department of health and welfare shall pay providers at the rate
 48 established by medicaid or its managed care organization. If, based on
 49 the department of health and welfare's determination under subsection

1 (2) of this section, the person is able to pay a portion of the medical
 2 costs, the person shall reimburse the department consistent with the
 3 department's sliding fee schedule; or

4 (b) Costs for routine medical care during the protective placement pe-
 5 riod shall be paid by the department of health and welfare, consistent
 6 with the process described in paragraph (a) of this subsection.

7 SECTION 30. That Section 66-906, Idaho Code, be, and the same is hereby
 8 amended to read as follows:

9 66-906. SUCCESSION TO PROPERTY OF DECEASED RESIDENT. Hereafter, the
 10 application of any person for membership in a veterans home of this state and
 11 the admission of the applicant thereunder shall be and constitute a valid
 12 and binding contract between such applicant and the administrator of the
 13 division of veterans services in the department of self-governing agencies
 14 of the state of Idaho. Each applicant must agree prior to admission to any
 15 veterans home that on the death of said applicant, while a member of such
 16 home and leaving no heirs at law next of kin, all intangible property owned
 17 by said applicant at the time of his death, including money or choses in
 18 action held by him and not disposed of by will, whether such property be the
 19 proceeds of pensions or otherwise derived, shall vest in and be delivered
 20 to the unclaimed property division within the office of the state treasurer
 21 within one (1) year after the member's death pursuant to section ~~14-513~~
 22 14-5-201(1)(i), Idaho Code. The applicant's property may be reclaimed by
 23 any legatee or person entitled to take the same by inheritance at any time
 24 within five (5) years after the death of such member, unless the member di-
 25 rects in writing that such property be donated to the division of veterans
 26 services after the member's death. A certificate of death for the resident
 27 is required for the division of veterans services to accept the donation.
 28 Any tangible property unclaimed within thirty (30) days of the death or dis-
 29 charge of said applicant is exempt from the unclaimed property act, chapter
 30 5, title 14, Idaho Code, and shall be assigned to the state veterans home.
 31 The administrator of the division of veterans services is directed to so
 32 change the form of application for membership as to give reasonable notice of
 33 this provision to each applicant and as to contain the consent of the appli-
 34 cant to accept membership upon the conditions herein provided.

35 SECTION 31. That Section 67-2360, Idaho Code, as enacted by Section 1,
 36 Chapter 37, Laws of 2024, be, and the same is hereby amended to read as fol-
 37 lows:

38 ~~67-2360~~ 67-2361. CASH PAYMENT -- STATE AGENCIES. (1) Any official, de-
 39 partment, board, commission, or agency of the state of Idaho that accepts
 40 payment for transactions shall accept cash as a method of payment along with
 41 any other methods of payment the official, department, board, commission, or
 42 agency may accept.

43 (2) No official, department, board, commission, or agency of the state
 44 of Idaho may charge any additional fee for cash payment.

45 SECTION 32. That Section 67-2601, Idaho Code, be, and the same is hereby
 46 amended to read as follows:

1 67-2601. DEPARTMENT CREATED -- ORGANIZATION. (1) There is hereby cre-
 2 ated the department of self-governing agencies. The department shall, for
 3 the purposes of section 20, article IV of the constitution of the state of
 4 Idaho, be an executive department of the state government.

5 (2) The department shall consist of the following:

6 (a) Agricultural commodity commissions: Idaho apple commission, as
 7 provided by chapter 36, title 22, Idaho Code; Idaho bean commission,
 8 as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as
 9 provided by chapter 29, title 25, Idaho Code; Idaho cherry commission,
 10 as provided by chapter 37, title 22, Idaho Code; Idaho dairy products
 11 commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea
 12 and lentil commission, as provided by chapter 35, title 22, Idaho Code;
 13 Idaho potato commission, as provided by chapter 12, title 22, Idaho
 14 Code; Idaho wheat commission, as provided by chapter 33, title 22, Idaho
 15 Code; and Idaho alfalfa and clover seed commission, as provided in chap-
 16 ter 42, title 22, Idaho Code.

17 (b) The board of commissioners of the Idaho state bar, as provided by
 18 chapter 4, title 3, Idaho Code.

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

20 (d) The division of veterans services, to be headed by a division ad-
 21 ministrator who shall be a nonclassified employee exempt from the pro-
 22 visions of chapter 53, title 67, Idaho Code. The administrator of the
 23 division shall administer the provisions of chapter 2, title 65, Idaho
 24 Code, and chapter 9, title 66, Idaho Code, with the advice of the vet-
 25 erans affairs commission established under chapter 2, title 65, Idaho
 26 Code, and shall perform such additional duties as are imposed upon him
 27 by law.

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

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

32 (g) The office of the state appellate public defender, pursuant to
 33 chapter 59, title 19, Idaho Code, and the office of the state public
 34 defender, pursuant to chapter 60, title 19, Idaho Code.

35 (h) The division of occupational and professional licenses, which is
 36 hereby created.

37 (i) The office of administrative hearings, pursuant to section
 38 67-5280, Idaho Code.

39 (j) The office of health and social services ombudsman, pursuant to
 40 chapter 19, title 56, Idaho Code.

41 ~~(j)~~ (k) The Idaho commission of pardons and parole, pursuant to chapter
 42 10, title 20, Idaho Code.

43 (3) Notwithstanding any other provision of law to the contrary, the
 44 governor shall have the authority to assign entities listed in subsection
 45 (2) of this section to divisions, sections, or units in such a manner as will
 46 tend to provide an orderly arrangement in the administrative organization of
 47 state government.

48 SECTION 33. That Section 67-2614, Idaho Code, be, and the same is hereby
 49 amended to read as follows:

1 67-2614. RENEWAL OR REINSTATEMENT OF LICENSES. (1) Licenses or regis-
2 trations issued by the division of occupational and professional licenses as
3 a prerequisite to engaging in a trade, occupation, or profession may be sub-
4 ject to biennial renewal and may expire and be canceled unless renewed prior
5 to expiration as provided by this section, unless a longer time period is
6 otherwise specified in law or rule. The required fees for renewals and re-
7 instatements shall be the amounts set forth in the laws or rules of the rele-
8 vant agency within the division. As used in this section, the term "person,"
9 unless otherwise indicated, shall mean a natural person or an entity apply-
10 ing for licensure or registration pursuant to the laws or rules of an agency
11 within the division.

12 (2) All natural persons required to procure a license, registration,
13 or certificate must renew on or before the birthday of the licensee, regis-
14 trant, or certificate holder in the manner prescribed in subsection (6) of
15 this section. The first renewal of the license, registration, or certifi-
16 cate shall not be required until at least twelve (12) months after the li-
17 censee's, registrant's, or certificate holder's birthday following the ini-
18 tial licensure or registration.

19 (3) All persons required to procure a license, registration, or cer-
20 tificate for an entity or a facility as a prerequisite for operating a
21 business or place of business in which a trade, occupation, or profession is
22 practiced must renew the same on or before the anniversary of the original
23 issue date of the license, registration, or certificate in the manner pre-
24 scribed in subsection (6) of this section. The first renewal of the license,
25 registration, or certificate shall not be required until twelve (12) months
26 after the last day of the licensee's, registrant's, or certificate holder's
27 anniversary date following the initial licensure, registration, or certi-
28 fication.

29 (4) A renewal period may be extended or shortened by as much as one (1)
30 year to maintain established renewal cycles or to change an established re-
31 newal cycle.

32 (5) A licensee license, registration, or certificate automatically ex-
33 pires upon the death of a licensee, registrant, or certificate holder who is
34 a natural person or upon the dissolution of a licensee, registrant, or cer-
35 tificate holder that is a business entity.

36 (6) Licenses or registrations may be renewed up to six (6) weeks prior
37 to the expiration date.

38 (a) Submission of an approved and completed paper or electronic renewal
39 application prior to expiration is the responsibility of each licensee
40 or registrant. Failure to receive a renewal application or notice shall
41 not excuse failure to comply with renewal requirements.

42 (b) The renewal application shall be submitted to the division along
43 with the required renewal fee and confirmation of compliance with re-
44 newal requirements of the relevant agency within the division, includ-
45 ing but not limited to insurance, completion of any continuing educa-
46 tion, and payment of all fines, costs, fees including attorney's fees,
47 or other amounts that are due and owing or in compliance with a payment
48 arrangement.

49 (7) Applicants, licensees, permittees, and registrants are responsi-
50 ble for keeping their information up to date as follows:

1 (a) Whenever a change of the applicant's, licensee's, or registrant's
2 name or address of record occurs, the licensee or registrant must imme-
3 diately notify the division in writing of the change. The division will
4 use the most recent mailing or electronic mail address it has on file for
5 purposes of written communication with a licensee or registrant. It is
6 the responsibility of each applicant, licensee, and registrant to keep
7 the division informed of a current mailing and electronic mail address
8 and any other contact information; and

9 (b) Unless otherwise specified by law or rule, all substantive changes
10 in professional status must be reported to the division in writing
11 within ninety (90) days. Substantive changes may include but are not
12 limited to:

13 (i) Any criminal convictions of felonies or misdemeanors other
14 than traffic violations;

15 (ii) Administrative adjudicative proceedings against the appli-
16 cant, licensee, or registrant in other states or jurisdictions;

17 (iii) Adjudicated ethics violations or other sanctions levied
18 against the applicant, licensee, or registrant by a professional
19 association or specialty association; and

20 (iv) Any civil proceedings adjudicated against the applicant,
21 licensee, or registrant related to his license, registration, or
22 certificate.

23 (8) Fees for renewal and reinstatement cannot be waived, prorated,
24 transferred, or refunded unless otherwise specified in law or rule.

25 (9) If a license, registration, certificate, or authority is not re-
26 newed on or before the expiration date, it shall be immediately canceled by
27 the division following the date of expiration, unless otherwise specified in
28 law or rule. Within five (5) years of the date of expiration, the division
29 may reinstate a license or registration canceled for failure to renew upon
30 receiving documentation of compliance with requirements for timely renewal
31 as set forth in subsection (6) (b) of this section and any other reinstatement
32 requirements of the division. The division may also require payment of a re-
33 instatement fee of thirty-five dollars (\$35.00) or other amount as specified
34 in law or rule.

35 (10) (a) When a license, registration, certificate, or authority has
36 been canceled for a period of more than five (5) years, the person so
37 affected shall be required to make application for a new license, reg-
38 istration, certificate, or authority to the division. The application
39 shall consist of the following:

40 (i) All forms and information required of an application for a new
41 license, registration, certificate, or authority; and

42 (ii) The fee currently required of an applicant for a new license,
43 registration, certificate, or authority.

44 (b) In addition to the application, the person shall provide all moneys
45 due and owing to the division or proof that the person is in compliance
46 with a payment arrangement.

47 (c) The person shall fulfill certain requirements as determined by the
48 division that demonstrate the person's competency to resume practice in
49 this state. Such requirements may include but are not limited to educa-
50 tion, supervised practice, and examination. The division may consider

1 the person's practice in another jurisdiction in determining the per-
2 son's competency.

3 (d) Persons who fulfill the conditions and requirements of this subsec-
4 tion shall be issued a new license, registration, certificate, or au-
5 thority.

6 SECTION 34. That Section 67-2921, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 67-2921. TRANSPORTATION OF INDUSTRIAL HEMP. (1) As used in this sec-
9 tion:

10 (a) "2014 farm bill" means the agriculture act of 2014, P.L. 113-79.

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

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

19 (d) "Peace officer" has the same meaning as provided in section
20 19-5101, Idaho Code.

21 (e) "Transporter" means any person, individual, partnership, corpora-
22 tion, association, grower, farmer, producer, or any other entity en-
23 gaged in hauling, transporting, delivering, or otherwise moving hemp in
24 interstate or intrastate commerce.

25 (f) "Vehicle" has the same meaning as provided in section 49-123, Idaho
26 Code.

27 (2) Any rule formulated and recommended by the Idaho state police or
28 the Idaho state department of agriculture regarding the interstate or in-
29 trastate transportation of hemp by a transporter or vehicle hauling indus-
30 trial hemp that is broader in scope or more stringent than federal law or reg-
31 ulations as outlined in the 2014 farm bill and the 2018 farm bill or that pro-
32 poses to regulate an activity not regulated by the federal government is sub-
33 ject to the following additional requirements: the notice of proposed rule-
34 making and rulemaking record requirements under chapter 52, title 67, Idaho
35 Code, must clearly specify that the proposed rule, or portions of the pro-
36 posed rule, are broader in scope or more stringent than federal law or regu-
37 lations or regulate an activity not regulated by the federal government and
38 delineate which portions of the proposed rule are broader in scope or more
39 stringent than federal law or regulations or regulate an activity not regu-
40 lated by the federal government. Such rules must be promulgated and adopted
41 through the negotiated rulemaking process.

42 (3) When a transporter or vehicle hauling industrial hemp pursuant to a
43 license under the provisions of the 2014 farm bill, the 2018 farm bill, or 7
44 CFR 990.1 et seq., is lawfully detained by a peace officer, the transporter
45 of industrial hemp must consent to inspection of the shipment for the purpose
46 of ensuring compliance with the 2014 farm bill, the 2018 farm bill, and 7 CFR
47 990.1 et seq. The peace officer may randomly select reasonably sized samples
48 not to exceed twenty (20) grams per sampling event for each unique lot, pack-
49 age, or identified quantity and retain them for future ~~off-site~~ off-site

1 testing. Transporters are not entitled to compensation for these de minimis
2 samples. The length of the detention must be only as long as reasonably nec-
3 essary to effectuate inspection, sampling, and weighing of industrial hemp.

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

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

15 (6) Penalties.

16 (a) Any person who pleads guilty to or is found guilty of a violation of
17 subsection (5) of this section for the first time is guilty of a misde-
18 meanor and is subject to a fine of no more than one hundred fifty dollars
19 (\$150).

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

24 (c) Any person who pleads guilty to or is found guilty of a violation of
25 subsection (5) of this section for the third or subsequent time within
26 a period of five (5) years of the first conviction is guilty of a mis-
27 demeanor, punishable by a fine of no more than one thousand dollars
28 (\$1,000), or by imprisonment in the county jail not to exceed six (6)
29 months, or by both such fine and imprisonment.

30 (d) Industrial hemp transported or possessed in violation of subsec-
31 tion (5) of this section is deemed contraband and is subject to seizure
32 and destruction.

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

40 (8) The provisions of this section must not be construed to apply to any
41 material or product derived from industrial hemp that contains no quantity
42 of delta-9 tetrahydrocannabinol concentration and is not derived from the
43 prohibited parts of the marijuana plant, as provided in section ~~37-2701(t)~~
44 37-2701(u), Idaho Code.

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

48 SECTION 35. That Section 67-5909B, Idaho Code, as enacted by Section 1,
49 Chapter 112, Laws of 2024, be, and the same is hereby amended to read as fol-
50 lows:

1 ~~67-5909B~~ 67-5909C. PUBLIC POSTSECONDARY EDUCATION -- DIVERSITY
 2 STATEMENTS. (1) Hiring and admissions decisions at any public postsecondary
 3 educational institution in the state of Idaho shall be made on merit. Hir-
 4 ing and admissions decisions shall not be conditioned on a requirement that
 5 applicants submit or ascribe to a diversity statement. No public post-
 6 secondary educational institution in the state of Idaho shall require or
 7 solicit a diversity statement as part of an admissions process, employment
 8 application process, hiring process, contract renewal process, or promotion
 9 process or as a condition of participation in any administrative or deci-
 10 sion-making function of the institution.

11 (2) "Diversity statement" means any written or oral statement dis-
 12 cussing:

13 (a) The applicant's or candidate's race, sex, color, ethnicity, or sex-
 14 ual orientation;

15 (b) The applicant's or candidate's views on, experience with, or con-
 16 tributions to diversity, equity, and inclusion; social justice; con-
 17 fessing one's race-based privilege; confessing one's sex-based privi-
 18 lege; partisan politics; or religion;

19 (c) The applicant's or candidate's views on or experience with the
 20 race, sex, color, ethnicity, or sexual orientation of students and
 21 coworkers; or

22 (d) The applicant's or candidate's views regarding any theory that
 23 advocates for the differential treatment of any individual or groups
 24 of individuals based on race, sex, color, gender, ethnicity, or sexual
 25 orientation.

26 (3) Nothing in this section shall be construed to:

27 (a) Prevent an institution requiring applicants and candidates:

28 (i) To disclose or discuss the content of their scholarly re-
 29 search or creative works;

30 (ii) To certify compliance with state and federal anti-discrimi-
 31 nation law; or

32 (iii) To discuss pedagogical approaches; or experience with stu-
 33 dents with mental or physical disabilities; or

34 (b) Prevent an applicant or candidate from providing, of the appli-
 35 cant's or candidate's own initiative, any information described in this
 36 section.

37 SECTION 36. That Section 72-451, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 72-451. PSYCHOLOGICAL ACCIDENTS AND INJURIES. (1) Psychological in-
 40 juries, disorders or conditions shall not be compensated under this title,
 41 unless the following conditions are met:

42 (a) Such injuries of any kind or nature emanating from the workplace
 43 shall be compensated only if caused by accident and physical injury
 44 as defined in section 72-102(17) (a) through (17) (c), Idaho Code, or
 45 only if accompanying an occupational disease with resultant physical
 46 injury, except that a psychological mishap or event may constitute an
 47 accident where:

48 (i) It results in resultant physical injury as long as the psycho-
 49 logical mishap or event meets the other criteria of this section;

1 (ii) It is readily recognized and identifiable as having occurred
2 in the workplace; and

3 (iii) It must be the product of a sudden and extraordinary event;

4 (b) No compensation shall be paid for such injuries arising from con-
5 ditions generally inherent in every working situation or from a person-
6 nel-related action including, but not limited to, disciplinary action,
7 changes in duty, job evaluation or employment termination;

8 (c) Such accident and injury must be the predominant cause as compared
9 to all other causes combined of any consequence for which benefits are
10 claimed under this section;

11 (d) Where psychological causes or injuries are recognized by this sec-
12 tion, such causes or injuries must exist in a real and objective sense;

13 (e) Any permanent impairment or permanent disability for psychologi-
14 cal injury recognizable under the Idaho worker's compensation law must
15 be based on a condition sufficient to constitute a diagnosis using the
16 terminology and criteria of the American psychiatric association's di-
17 agnostic and statistical manual of mental disorders, third edition re-
18 vised, or any successor manual promulgated by the American psychiatric
19 association, and must be made by a psychologist or psychiatrist duly li-
20 censed to practice in the jurisdiction in which treatment is rendered;
21 and

22 (f) Clear and convincing evidence that the psychological injuries
23 arose out of and in the course of the employment from an accident or oc-
24 cupational disease as contemplated in this section is required.

25 (2) Nothing in subsection (1) of this section shall be construed as
26 allowing compensation for psychological injuries from psychological causes
27 without accompanying physical injury.

28 (3) The provisions of subsection (1) of this section shall apply to ac-
29 cidents and injuries occurring on or after July 1, 1994, and to causes of ac-
30 tion for benefits accruing on or after July 1, 1994, notwithstanding that
31 the original worker's compensation claim may have occurred prior to July 1,
32 1994.

33 (4) Notwithstanding subsection (1) of this section, post-traumatic
34 stress injury suffered by a first responder is a compensable injury or occu-
35 pational disease when the following conditions are met:

36 (a) The first responder is examined and subsequently diagnosed with
37 post-traumatic stress injury by a psychologist, a psychiatrist duly li-
38 censed to practice in the jurisdiction where treatment is rendered, or a
39 counselor trained in post-traumatic stress injury; and

40 (b) Clear and convincing evidence indicates that the post-traumatic
41 stress injury was caused by an event or events arising out of and in the
42 course of the first responder's employment.

43 (5) No compensation shall be paid for such injuries described in sub-
44 section ~~(2)~~ (4) of this section arising from a personnel-related action in-
45 cluding, but not limited to, disciplinary action, changes in duty, job eval-
46 uation, or employment termination.

47 (6) As used in subsection (4) of this section:

48 (a) "Post-traumatic stress injury" means a disorder that meets the di-
49 agnostic criteria for post-traumatic stress disorder or post-traumatic
50 stress injury specified by the American psychiatric association's di-

1 agnostic and statistical manual of mental disorders, fifth edition re-
2 vised, or any successor manual promulgated by the American psychiatric
3 association.

4 (b) "First responder" means:

5 (i) A peace officer as defined in section 19-5101(d), Idaho Code,
6 when employed by a city, county, or the Idaho state police;

7 (ii) A firefighter as defined in section 59-1302(16), Idaho Code;

8 (iii) A volunteer emergency responder as defined in section
9 72-102(31), Idaho Code;

10 (iv) An emergency medical service provider, or EMS provider,
11 certified by the department of health and welfare pursuant to
12 sections 56-1011 through 56-1018B, Idaho Code, and an ambu-
13 lance-based clinician as defined in the rules governing emergency
14 medical services as adopted by the department of health and wel-
15 fare; and

16 (v) An emergency communications officer as defined in section
17 19-5101(f), Idaho Code.

18 (7) Subsections (4) through (6) of this section are effective for first
19 responders with dates of injury or manifestations of occupational disease on
20 or after July 1, 2019.

21 SECTION 37. An emergency existing therefor, which emergency is hereby
22 declared to exist, this act shall be in full force and effect on and after
23 July 1, 2025.