

IN THE SENATE

SENATE BILL NO. 1042

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CODIFIER'S CORRECTIONS IN STATUTES; AMENDING SECTION 6-543,
2 IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 6-544, IDAHO CODE,
3 TO REVISE TERMINOLOGY; AMENDING SECTION 6-701, IDAHO CODE, TO REVISE
4 TERMINOLOGY; AMENDING THE HEADING FOR CHAPTER 28, TITLE 6, IDAHO CODE,
5 AS ADDED BY SECTION 1, CHAPTER 239, LAWS OF 2010, TO REDESIGNATE THE
6 CHAPTER; AMENDING SECTIONS 6-2801 AND 6-2802, IDAHO CODE, AS ADDED BY
7 SECTION 1, CHAPTER 239, LAWS OF 2010, TO REDESIGNATE THE SECTIONS RE-
8 LATING TO LIVESTOCK ACTIVITIES; AMENDING SECTION 9-340C, IDAHO CODE,
9 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-4705, IDAHO CODE,
10 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 19-5803, IDAHO
11 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 21-115,
12 IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 22-5204,
13 IDAHO CODE, RELATING TO CARBON SEQUESTRATION COMMITTEE REPORTS; AMEND-
14 ING SECTION 31-855, IDAHO CODE, TO DELETE REFERENCE TO AN ARCHAIC CODE
15 SECTION, TO PROVIDE A PENALTY AND TO MAKE TECHNICAL CORRECTIONS; AMEND-
16 ING SECTION 33-131, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 181, LAWS
17 OF 2010, TO REDESIGNATE THE SECTION RELATING TO LOCAL SCHOOL BOARDS
18 INTERNET USE POLICY REQUIREMENTS; AMENDING SECTION 33-312, IDAHO CODE,
19 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-402, IDAHO CODE, TO
20 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-510, IDAHO CODE, TO
21 PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-511, IDAHO CODE,
22 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1510, IDAHO
23 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1620,
24 IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 294, LAWS OF 2010, TO REDESIG-
25 NATE THE SECTION RELATING TO YOUTH ATHLETES AND CONCUSSION GUIDELINES;
26 AMENDING SECTION 39-5606, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION;
27 AMENDING SECTION 40-701, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER
28 333, LAWS OF 2009, TO MAKE A TECHNICAL CORRECTION; AMENDING THE HEADING
29 FOR CHAPTER 16, TITLE 41, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY;
30 AMENDING SECTION 41-3345, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY;
31 AMENDING SECTION 49-402, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION;
32 REPEALING SECTION 51-123, IDAHO CODE, RELATING TO THE IDAHO NOTARY
33 PUBLIC ACT; AMENDING SECTION 56-113, IDAHO CODE, TO MAKE TECHNICAL COR-
34 RECTIONS; AMENDING THE HEADING FOR CHAPTER 13, TITLE 59, IDAHO CODE,
35 RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION
36 63-301A, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AND AMENDING SEC-
37 TION 67-2601, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY.
38

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

40 SECTION 1. That Section 6-543, Idaho Code, be, and the same is hereby
41 amended to read as follows:

1 6-28901. DEFINITIONS. For purposes of this section, the following
2 terms have the following meanings:

3 (1) "Livestock" means cattle, sheep, swine, goats, llamas, alpacas or
4 poultry.

5 (2) "Livestock activity" means livestock shows, fairs, competitions,
6 performances, races or parades.

7 (3) "Livestock activity sponsor" means an individual, group or club,
8 partnership or corporation, whether or not the sponsor is operating for
9 profit or nonprofit, which sponsors, organizes or provides the facilities
10 for a livestock activity including, but not limited to, 4-H clubs, school
11 and college sponsored classes and programs and operators, instructors and
12 promoters of livestock facilities including, but not limited to, fairs and
13 arenas at which the activity is held.

14 (4) "Livestock professional" means a person engaged for compensation
15 in:

16 (a) Instructing a participant or renting livestock to a participant; or

17 (b) Renting equipment to a participant.

18 (5) "Participant" means any person, whether amateur or professional,
19 who directly engages in a livestock activity, whether or not a fee is paid to
20 participate in the livestock activity.

21 SECTION 6. That Section 6-2802, Idaho Code, as added by Section 1, Chap-
22 ter 239, Laws of 2010, be, and the same is hereby amended to read as follows:

23 6-28902. LIMITATION OF LIABILITY ON LIVESTOCK ACTIVITIES. (1) Except
24 as provided in subsections (2) and (3) of this section, a livestock activity
25 sponsor or a livestock professional shall not be liable for any injury to or
26 the death of a participant or livestock engaged in a livestock activity and,
27 except as provided in subsections (2) and (3) of this section, no participant
28 nor participant's representative may maintain an action against or recover
29 from a livestock activity sponsor or a livestock professional for an injury
30 to or the death of a participant or livestock engaged in a livestock activ-
31 ity.

32 (2) The provisions of this chapter do not apply to the horse or mule rac-
33 ing industry as regulated in chapter 25, title 54, Idaho Code, or to equines
34 regulated in chapter 18, title 6, Idaho Code.

35 (3) Nothing in subsection (1) of this section shall prevent or limit the
36 liability of a livestock activity sponsor or a livestock professional:

37 (a) If the livestock activity sponsor or the livestock professional:

38 (i) Provided equipment and the equipment caused the injury;

39 (ii) Provided the livestock and failed to make reasonable and pru-
40 dent efforts to determine the ability of the participant to en-
41 gage safely in the livestock activity, determine the ability of
42 the livestock to behave safely with the participant, and to deter-
43 mine the ability of the participant to safely manage the particu-
44 lar livestock;

45 (iii) Owns, leases, rents or otherwise is in lawful possession and
46 control of the land or facilities upon which the participant or
47 livestock sustained injuries because of a dangerous latent condi-
48 tion which was known to or should have been known to the livestock

1 activity sponsor or the livestock professional and for which warn-
2 ing signs have not been conspicuously posted;

3 (iv) Commits an act or omission that is unreasonable or willfully
4 disregards the safety of the participant or livestock and that act
5 or omission caused the injury; or

6 (v) Intentionally injures the participant or livestock;

7 (b) Under liability provisions as set forth in the products liability
8 laws; or

9 (c) Under the liability provisions set forth in chapter 9, title 6,
10 Idaho Code.

11 SECTION 7. That Section 9-340C, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 9-340C. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PER-
14 SONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following
15 records are exempt from disclosure:

16 (1) Except as provided in this subsection, all personnel records of
17 a current or former public official other than the public official's pub-
18 lic service or employment history, classification, pay grade and step,
19 longevity, gross salary and salary history, status, workplace and employing
20 agency. All other personnel information relating to a public employee or ap-
21 plicant including, but not limited to, information regarding sex, race, mar-
22 ital status, birth date, home address and telephone number, applications,
23 testing and scoring materials, grievances, correspondence and performance
24 evaluations, shall not be disclosed to the public without the employee's or
25 applicant's written consent. Names of applicants to classified or merit
26 system positions shall not be disclosed to the public without the appli-
27 cant's written consent. Disclosure of names as part of a background check
28 is permitted. Names of the five (5) final applicants to all other positions
29 shall be available to the public. If such group is less than five (5) final-
30 ists, then the entire list of applicants shall be available to the public. A
31 public official or authorized representative may inspect and copy his per-
32 sonnel records, except for material used to screen and test for employment.

33 (2) Retired employees' and retired public officials' home addresses,
34 home telephone numbers and other financial and nonfinancial membership
35 records; active and inactive member financial and membership records and
36 mortgage portfolio loan documents maintained by the public employee retire-
37 ment system. Financial statements prepared by retirement system staff,
38 funding agents and custodians concerning the investment of assets of the
39 public employee retirement system of Idaho are not considered confidential
40 under this chapter.

41 (3) Information and records submitted to the Idaho state lottery for
42 the performance of background investigations of employees, lottery retail-
43 ers and major procurement contractors; audit records of lottery retailers,
44 vendors and major procurement contractors submitted to or performed by the
45 Idaho state lottery; validation and security tests of the state lottery for
46 lottery games; business records and information submitted pursuant to sec-
47 tions 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such docu-
48 ments and information obtained and held for the purposes of lottery security
49 and investigative action as determined by lottery rules unless the public

1 interest in disclosure substantially outweighs the private need for protec-
2 tion from public disclosure.

3 (4) Records of a personal nature as follows:

4 (a) Records of personal debt filed with a public agency or independent
5 public body corporate and politic pursuant to law;

6 (b) Personal bank records compiled by a public depositor for the pur-
7 pose of public funds transactions conducted pursuant to law;

8 (c) Records of ownership of financial obligations and instruments of a
9 public agency or independent public body corporate and politic, such as
10 bonds, compiled by the public agency or independent public body corpo-
11 rate and politic pursuant to law;

12 (d) Records, with regard to the ownership of, or security interests in,
13 registered public obligations;

14 (e) Vital statistics records; and

15 (f) Military records as described in and pursuant to section 65-301,
16 Idaho Code.

17 (5) Information in an income or other tax return measured by items of
18 income or sales, which is gathered by a public agency for the purpose of ad-
19 ministering the tax, except such information to the extent disclosed in a
20 written decision of the tax commission pursuant to a taxpayer protest of a
21 deficiency determination by the tax commission, under the provisions of sec-
22 tion 63-3045B, Idaho Code.

23 (6) Records of a personal nature related directly or indirectly to the
24 application for and provision of statutory services rendered to persons
25 applying for public care for people who are elderly, indigent or have mental
26 or physical disabilities, or participation in an environmental or a public
27 health study, provided the provisions of this subsection making records
28 exempt from disclosure shall not apply to the extent that such records or
29 information contained in those records are necessary for a background check
30 on an individual that is required by federal law regulating the sale of
31 firearms, guns or ammunition.

32 (7) Employment security information, except that a person may agree,
33 through written, informed consent, to waive the exemption so that a third
34 party may obtain information pertaining to the person, unless access to
35 the information by the person is restricted by subsection (3) (a), (3) (b)
36 or (3) (d) of section 9-342, Idaho Code. Notwithstanding the provisions of
37 section 9-342, Idaho Code, a person may not review identifying information
38 concerning an informant who reported to the department of labor a suspected
39 violation by the person of the employment security law, chapter 13, title 72,
40 Idaho Code, under an assurance of confidentiality. As used in this section
41 and in chapter 13, title 72, Idaho Code, "employment security information"
42 means any information descriptive of an identifiable person or persons that
43 is received by, recorded by, prepared by, furnished to or collected by the
44 department of labor or the industrial commission in the administration of
45 the employment security law.

46 (8) Any personal records, other than names, business addresses and
47 business phone numbers, such as parentage, race, religion, sex, height,
48 weight, tax identification and social security numbers, financial worth or
49 medical condition submitted to any public agency or independent public body

1 corporate and politic pursuant to a statutory requirement for licensing,
2 certification, permit or bonding.

3 (9) Unless otherwise provided by agency rule, information obtained as
4 part of an inquiry into a person's fitness to be granted or retain a license,
5 certificate, permit, privilege, commission or position, private associa-
6 tion peer review committee records authorized in title 54, Idaho Code. Any
7 agency which has records exempt from disclosure under the provisions of this
8 subsection shall annually make available a statistical summary of the number
9 and types of matters considered and their disposition.

10 (10) The records, findings, determinations and decisions of any prelit-
11 igation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

12 (11) Complaints received by the board of medicine and investigations
13 and informal proceedings, including informal proceedings of any committee
14 of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and
15 rules adopted thereunder.

16 (12) Records of the department of health and welfare or a public health
17 district that identify a person infected with a reportable disease.

18 (13) Records of hospital care, medical records, including prescrip-
19 tions, drug orders, records or any other prescription information that
20 specifically identifies an individual patient, prescription records main-
21 tained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho
22 Code, records of psychiatric care or treatment and professional counseling
23 records relating to an individual's condition, diagnosis, care or treat-
24 ment, provided the provisions of this subsection making records exempt from
25 disclosure shall not apply to the extent that such records or information
26 contained in those records are necessary for a background check on an indi-
27 vidual that is required by federal law regulating the sale of firearms, guns
28 or ammunition.

29 (14) Information collected pursuant to the directory of new hires act,
30 chapter 16, title 72, Idaho Code.

31 (15) Personal information contained in motor vehicle and driver records
32 that is exempt from disclosure under the provisions of chapter 2, title 49,
33 Idaho Code.

34 (16) Records of the financial status of prisoners pursuant to subsec-
35 tion (2) of section 20-607, Idaho Code.

36 (17) Records of the Idaho state police or department of correction re-
37 ceived or maintained pursuant to section 19-5514, Idaho Code, relating to
38 DNA databases and databanks.

39 (18) Records of the department of health and welfare relating to a sur-
40 vey, resurvey or complaint investigation of a licensed nursing facility
41 shall be exempt from disclosure. Such records shall, however, be subject to
42 disclosure as public records as soon as the facility in question has received
43 the report, and no later than the fourteenth day following the date that
44 department of health and welfare representatives officially exit the facil-
45 ity pursuant to federal regulations. Provided however, that for purposes
46 of confidentiality, no record shall be released under this section which
47 specifically identifies any nursing facility resident.

48 (19) Records and information contained in the registry of immunizations
49 against childhood diseases maintained in the department of health and wel-

1 fare, including information disseminated to others from the registry by the
2 department of health and welfare.

3 (20) Records of the Idaho housing and finance association (IHFA) relat-
4 ing to the following:

5 (a) Records containing personal financial, family, health or similar
6 personal information submitted to or otherwise obtained by the IHFA;

7 (b) Records submitted to or otherwise obtained by the IHFA with regard
8 to obtaining and servicing mortgage loans and all records relating to
9 the review, approval or rejection by the IHFA of said loans;

10 (c) Mortgage portfolio loan documents;

11 (d) Records of a current or former employee other than the employee's
12 duration of employment with the association, position held and loca-
13 tion of employment. This exemption from disclosure does not include the
14 contracts of employment or any remuneration, including reimbursement
15 of expenses, of the executive director, executive officers or commis-
16 sioners of the association. All other personnel information relating
17 to an association employee or applicant including, but not limited to,
18 information regarding sex, race, marital status, birth date, home ad-
19 dress and telephone number, applications, testing and scoring materi-
20 als, grievances, correspondence, retirement plan information and per-
21 formance evaluations, shall not be disclosed to the public without the
22 employee's or applicant's written consent. An employee or authorized
23 representative may inspect and copy that employee's personnel records,
24 except for material used to screen and test for employment or material
25 not subject to disclosure elsewhere in the Idaho public records act.

26 (21) Records of the department of health and welfare related to child
27 support services in cases in which there is reasonable evidence of domestic
28 violence, as defined in chapter 63, title 39, Idaho Code, that can be used
29 to locate any individuals in the child support case except in response to a
30 court order.

31 (22) Records of the Idaho state bar lawyer assistance program pursuant
32 to chapter 49, title 54, Idaho Code, unless a participant in the program au-
33 thORIZES the release pursuant to subsection (4) of section 54-4901, Idaho
34 Code.

35 (23) Records and information contained in the trauma registry created
36 by chapter 20, title 57, Idaho Code, together with any reports, analyses and
37 compilations created from such information and records.

38 (24) Records contained in the court files, or other records prepared as
39 part of proceedings for judicial authorization of sterilization procedures
40 pursuant to chapter 39, title 39, Idaho Code.

41 (25) The physical voter registration card on file in the county clerk's
42 office; however, a redacted copy of said card shall be made available consis-
43 tent with the requirements of this section. Information from the voter reg-
44 istration card maintained in the statewide voter registration database, in-
45 cluding age, will be made available except for the voter's driver's license
46 number, date of birth and, upon a showing that the voter comes within the pro-
47 visions of subsection (~~28~~30) of this section or upon showing of good cause
48 by the voter to the county clerk in consultation with the county prosecuting
49 attorney, the physical residence address of the voter. For the purposes of

1 this subsection good cause shall include the protection of life and property
2 and protection of victims of domestic violence and similar crimes.

3 (26) File numbers, passwords and information in the files of the health
4 care directive registry maintained by the secretary of state under section
5 39-4515, Idaho Code, are confidential and shall not be disclosed to any per-
6 son other than to the person who executed the health care directive or the re-
7 vocation thereof and that person's legal representatives, to the person who
8 registered the health care directive or revocation thereof, and to physi-
9 cians, hospitals, medical personnel, nursing homes, and other persons who
10 have been granted file number and password access to the documents within
11 that specific file.

12 (27) Records in an address confidentiality program participant's file
13 as provided for in chapter 57, title 19, Idaho Code, other than the address
14 designated by the secretary of state, except under the following circum-
15 stances:

16 (a) If requested by a law enforcement agency, to the law enforcement
17 agency; or

18 (b) If directed by a court order, to a person identified in the order.

19 (28) Except as otherwise provided by law relating to the release of in-
20 formation to a governmental entity or law enforcement agency, any personal
21 information including, but not limited to, names, personal and business ad-
22 dresses and phone numbers, sex, height, weight, date of birth, social secu-
23 rity and driver's license numbers, or any other identifying numbers and/or
24 information related to any Idaho fish and game licenses, permits and tags un-
25 less written consent is obtained from the affected person.

26 ~~(289)~~ Documents and records related to continuing education and record-
27 keeping violations that are maintained by the Idaho board of veterinary
28 medicine under the provisions of section 54-2118(1) (b), Idaho Code, pro-
29 vided the requirements set forth therein are met.

30 ~~(2830)~~ The Idaho residential street address and telephone number of an
31 eligible law enforcement officer and such officer's residing household mem-
32 ber(s) as provided for in chapter 58, title 19, Idaho Code, except under the
33 following circumstances:

34 (a) If directed by a court order, to a person identified in the court
35 order;

36 (b) If requested by a law enforcement agency, to the law enforcement
37 agency;

38 (c) If requested by a financial institution or title company for busi-
39 ness purposes, to the requesting financial institution or title com-
40 pany; or

41 (d) If the law enforcement officer provides written permission for dis-
42 closure of such information.

43 SECTION 8. That Section 19-4705, Idaho Code, be, and the same is hereby
44 amended to read as follows:

45 19-4705. PAYMENT OF FINES AND FORFEITURES -- SATISFACTION OF JUDGMENT
46 -- DISPOSITION -- APPORTIONMENT. (1) Except as otherwise provided in subsec-
47 tion (2) of this section:

48 (a) All fines and forfeitures collected pursuant to the judgment of
49 any court of the state shall be remitted to the court in which the judg-

1 ment was rendered. The judgment shall then be satisfied by entry in the
2 docket of the court. The clerk of the court shall daily remit all fines
3 and forfeitures to the county auditor who shall at the end of each month
4 apportion the proceeds according to the provisions of this chapter.
5 Other existing laws regarding the disposition of fines and forfeitures
6 are hereby repealed to the extent such laws are inconsistent with the
7 provisions of this chapter except as provided in section 49-1013(35),
8 Idaho Code.

9 (b) Fines and forfeitures remitted for violations of fish and game
10 laws shall be apportioned two and one-half percent (2 1/2%) to the
11 state treasurer for deposit in the state general fund, ten percent
12 (10%) to the search and rescue account, twenty-two and one-half percent
13 (22 1/2%) to the district court fund and sixty-five percent (65%) to the
14 fish and game fund.

15 (c) Fines and forfeitures remitted for violations of state motor ve-
16 hicle laws, for violation of state driving privilege laws, and for
17 violation of state laws prohibiting driving while under the influence
18 of alcohol, drugs or any other intoxicating substances, shall be ap-
19 portioned ten percent (10%) to the state treasurer of which eighty-six
20 percent (86%) shall be deposited to the state general fund and fourteen
21 percent (14%) shall be deposited to the peace officers standards and
22 training fund authorized in section 19-5116, Idaho Code, forty-five
23 percent (45%) to the state treasurer for deposit in the highway dis-
24 tribution account, twenty-two and one-half percent (22 1/2%) to the
25 district court fund and twenty-two and one-half percent (22 1/2%) to the
26 state treasurer for deposit in the public school income fund; provided,
27 however, that fines and forfeitures remitted for violation of state mo-
28 tor vehicle laws, for violation of state driving privilege laws, and for
29 violation of state laws prohibiting driving while under the influence
30 of alcohol, drugs or any other intoxicating substances, where an arrest
31 is made or a citation is issued by a city law enforcement official, or by
32 a law enforcement official of a governmental agency under contract to
33 provide law enforcement services for a city, shall be apportioned ten
34 percent (10%) to the state treasurer of which eighty-six percent (86%)
35 shall be deposited to the state general fund and fourteen percent (14%)
36 shall be deposited to the peace officers standards and training fund
37 authorized in section 19-5116, Idaho Code, and ninety percent (90%) to
38 the city whose officer made the arrest or issued the citation.

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

49 (e) Fines and forfeitures remitted for violation of county ordinances
50 shall be apportioned ten percent (10%) to the state treasurer of which

1 eighty-six percent (86%) shall be deposited to the state general fund
2 and fourteen percent (14%) shall be deposited to the peace officers
3 standards and training fund authorized in section 19-5116, Idaho Code,
4 and ninety percent (90%) to the district court fund of the county whose
5 ordinance was violated.

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

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

23 (h) Fines and forfeitures remitted for violations involving registra-
24 tions of motorcycles or motor-driven cycles used off highways, snowmo-
25 biles, or use of winter recreation parking areas shall be apportioned
26 ten percent (10%) to the state treasurer of which eighty-six percent
27 (86%) shall be deposited to the state general fund and fourteen percent
28 (14%) shall be deposited to the peace officers standards and training
29 fund authorized in section 19-5116, Idaho Code, and ninety percent
30 (90%) to the general fund of the county or city whose law enforcement
31 official issued the citation.

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

35 (2) Any fine or forfeiture remitted for any misdemeanor violation for
36 which an increase in the maximum fine became effective on or after July 1,
37 2005, shall be apportioned as follows:

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

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

47 (3) As used in this section, the term "city law enforcement official"
48 shall include an official of any governmental agency which is providing law
49 enforcement services to a city in accordance with the terms of a contract or
50 agreement, when such official makes the arrest or issues a citation within

1 the geographical limits of the city and when the contract or agreement pro-
2 vides for payment to the city of fines and forfeitures resulting from such
3 service.

4 SECTION 9. That Section 19-5803, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 19-5803. ADDRESS CONFIDENTIALITY -- ELIGIBILITY. (1) Law enforcement
7 officers desiring that their Idaho residential street address and telephone
8 number, and the Idaho residential street address and telephone number of
9 their residing household member(s) be exempt from disclosure pursuant to
10 this chapter and section 9-340C(~~28~~30), Idaho Code, may submit an application
11 and a fee, if any, to the custodian of the public record that contains such
12 information. Upon receipt of an application and fee, the public agency shall
13 comply with the provisions of this chapter for a period of four (4) years.
14 Thereafter, law enforcement officers may renew the exemption by submitting
15 a new application and fee, if any. The public agency may establish a fee
16 schedule not to exceed the actual cost to the agency of complying with the
17 provisions of this chapter.

18 (2) Law enforcement officers may submit an application to a public
19 agency requesting that the public agency use an alternative Idaho mailing
20 address rather than the Idaho residential street address of any such officer
21 and of any such officer's residing household member(s) on all applications
22 and on all identification cards, licenses, certificates, permits, tags and
23 other similar documents that are issued to the officer or to such officer's
24 residing household member(s) by the public agency. A public agency receiv-
25 ing such application shall comply with the request.

26 (3) A person shall cease to be eligible for an exemption under this
27 chapter if such person ceases to be a law enforcement officer or a residing
28 household member(s). Within thirty (30) days of such cessation, the person
29 shall notify, in writing, every public agency to which the person has made an
30 application stating that he or she is no longer eligible for such exemption.
31 If a law enforcement officer changes employment but is still eligible for
32 an exemption under this chapter, such law enforcement officer shall, within
33 thirty (30) days of changing employment, submit a new application to every
34 public agency to which such officer has made an application.

35 (4) Nothing in this chapter shall prevent a public agency from obtain-
36 ing the residential street address and telephone number of a law enforcement
37 officer and of any residing household member(s). A law enforcement officer
38 who has submitted an application pursuant to the provisions of this chapter
39 shall provide his or her current Idaho residential street address to his or
40 her employing entity.

41 SECTION 10. That Section 21-115, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 21-115. STATE DESIGNATION OF AIRPORTS. (a) Site Approvals and Desig-
44 nations -- Regulations -- Issuance of Certificates -- Fees -- Standards --
45 Effective Period -- Revocation -- Existing Airports. Except as provided in
46 subsection (~~d~~c) of this section, the department is authorized to provide for
47 the approval and designation of airport sites and the issuance of certifi-

1 cates of such approval and designation. No charge shall be made for any such
2 approval and designation, and certificates of such an approval and designa-
3 tion shall be issued without charge to all persons requesting them. Upon the
4 promulgation of a rule or regulation providing for such approval and desig-
5 nation, any municipality or person desiring or planning to construct or es-
6 tablish an airport may, prior to the acquisition of the site or prior to the
7 construction or establishment of the proposed airport, make application to
8 the department for the approval and designation of the site. The department
9 shall with reasonable dispatch grant approval of and designate a site if it
10 is satisfied:

- 11 (1) That such proposed airport will be open to public use;
- 12 (2) That site is adequate for the proposed airport;
- 13 (3) That such proposed airport, if constructed or established, will
14 conform to minimum standards of safety; and
- 15 (4) That safe air traffic patterns could be worked out for such proposed
16 airport and for all existing airports and approved and designated airport
17 sites in its vicinity.

18 An approval and designation of a site may be granted subject to any rea-
19 sonable conditions which the department may deem necessary to effectuate the
20 purposes of this section, and shall remain in effect, unless sooner revoked
21 by the department and when such airport site is approved and designated by
22 the department such airport shall be deemed a public use.

23 The department may, after notice and opportunity for hearing to hold-
24 ers of certificates of an approval and designation, revoke such approval and
25 designation when it shall reasonably determine (1) that there has been an
26 abandonment of the airport site, or (2) that there has been a failure within
27 the time prescribed, or if no time was prescribed, within a reasonable time,
28 to develop the site as an airport or to comply with the conditions of the ap-
29 proval and designation, or (3) that because of a change of physical or legal
30 conditions or circumstances the site is no longer usable for the aeronauti-
31 cal purposes for which the approval and designation was granted, or (4) that
32 such airport has been closed to public use. No approval shall be required for
33 the site of any existing airport. It shall be unlawful for any municipality
34 or person to operate an airport for public use without first obtaining the
35 approval and designation of such airport as required by this section.

36 (b) Optional Public Hearings. In connection with the grant of approval
37 of a proposed airport site or the issuance of an airport license under sub-
38 sections (a) and (b) of this section, the department may, on its own motion or
39 upon the request of an affected or interested person, hold a hearing open to
40 the public as provided in section 21-118.

41 (c) Exemptions. The provisions of this section shall not apply to air-
42 ports owned or operated by the United States. The department may, from time
43 to time, to the extent necessary, exempt any other class of airports, pur-
44 suant to a reasonable classification or grouping, from any rule or regula-
45 tion, promulgated under this act if it finds that the application of such
46 rule, regulation or requirement would be an undue burden on such class and is
47 not required in the interest of public safety.

48 SECTION 11. That Section [22-5204](#), Idaho Code, be, and the same is hereby
49 repealed.

1 SECTION 12. That Section 31-855, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 31-855. NEGLECT OF DUTY BY COMMISSIONERS. Any commissioner who ne-
4 glects or refuses, without just cause therefor, to perform any duty imposed
5 on him, or who ~~wilfully~~ willfully violates any law provided for his govern-
6 ment as such officer, or fraudulently or corruptly performs any duty imposed
7 on him, or ~~wilfully~~ willfully, fraudulently or corruptly attempts to perform
8 an act, as commissioner, unauthorized by law, shall be ~~prosecuted as pro-~~
9 ~~vided in section 18-316, Idaho Code~~ guilty of a misdemeanor.

10 SECTION 13. That Section 33-131, Idaho Code, as added by Section 1,
11 Chapter 181, Laws of 2010, be, and the same is hereby amended to read as fol-
12 lows:

13 33-131~~2~~. LOCAL SCHOOL BOARDS -- INTERNET USE POLICY REQUIRED. (1) As
14 a condition for receiving moneys from the state general fund, each local
15 school district shall file an acceptable internet use policy with the state
16 superintendent of public instruction no later than August 1, 2011, or within
17 one (1) year after the creation of a new district, whichever is later,
18 and every five (5) years thereafter. Such policy shall be approved by the
19 district's board of trustees and shall contain, but not be limited to, pro-
20 visions that:

21 (a) Prohibit and prevent the use of school computers and other school
22 owned technology-related services from sending, receiving, viewing or
23 downloading materials that are deemed to be harmful to minors, as de-
24 fined by section 18-1514, Idaho Code; and

25 (b) Provide for the selection of technology for the local district's
26 computers to filter or block internet access to obscene materials,
27 materials harmful to minors and materials that depict the sexual ex-
28 ploitation of a minor, as defined in chapter 15, title 18, Idaho Code;
29 and

30 (c) Establish appropriate disciplinary measures to be taken against
31 persons violating the policy provided for in this section; and

32 (d) Include a component of internet safety for students that is inte-
33 grated into the district's instructional program; and

34 (e) Inform the public that administrative procedures have been adopted
35 to enforce the policy provided for in this section and to handle com-
36 plaints about such enforcement, and that such procedures are available
37 for review at the district office.

38 (2) The policy provided for in subsection (1) of this section may
39 include terms, conditions and requirements deemed appropriate by the dis-
40 trict's board of trustees including, but not limited to, requiring written
41 parental authorization for internet use by minors or differentiating ac-
42 ceptable uses among elementary, middle and high school students.

43 (3) The district's superintendent is hereby authorized to take reason-
44 able measures to implement and enforce the provisions of this section.

45 SECTION 14. That Section 33-312, Idaho Code, be, and the same is hereby
46 amended to read as follows:

1 33-312. DIVISION OF SCHOOL DISTRICT. A school district may be divided
2 so as to form not more than two (2) districts each of which must have contigu-
3 ous boundaries, in the manner hereinafter provided, except that any district
4 which operates and maintains a secondary school or schools shall not be di-
5 vided unless the two (2) districts created out of the division shall each op-
6 erate and maintain a secondary school or schools immediately following such
7 division.

8 A proposal to divide a school district may be initiated by its board of
9 trustees and submitted to the state department of education. Such proposal
10 shall contain all of the information required in a proposal to consolidate
11 school districts as may be relevant to a proposal to divide a school dis-
12 trict. It shall also show the manner in which it is proposed to divide or ap-
13 portion the property and liabilities of the district, the names and numbers
14 of the proposed new districts, and legal description of the proposed trustee
15 zones.

16 Before submitting any proposal to divide a school district, the board
17 of trustees shall hold a hearing or hearings on the proposal within the dis-
18 trict. Notice of such hearing or hearings shall be posted by the clerk of the
19 board of trustees in not less than three (3) public places within the dis-
20 trict, one (1) of which places shall be at or near the main door of the admin-
21 istrative offices of the school district, for not less than ten (10) days be-
22 fore the date of such hearing or hearings.

23 The department of education shall present any such proposal to the state
24 board of education, which may approve or disapprove the proposal, and the de-
25 partment of education shall give notice thereof in the manner of a proposal
26 to consolidate school districts; except, that the state board of education
27 shall not approve any proposal which would result in a district to be created
28 by the division having or assuming a bonded debt in an amount exceeding the
29 limitations imposed by law, or which would leave the area of any city in more
30 than one (1) school district.

31 If the state board of education shall approve the proposal to divide the
32 district, notice of the election shall be published and the election shall
33 be held subject to the provisions of section 34-106, Idaho Code. The elec-
34 tion shall be conducted, and the ballots shall be canvassed, according to the
35 provisions of ~~through~~ title 34, Idaho Code. The division shall be approved
36 only if a majority of all votes cast at said special election by the school
37 district electors residing within the entire existing school district and
38 voting in the election are in favor of the division of such district, and
39 a majority of all votes cast at said special election by the qualified vot-
40 ers within that portion of the proposed new district having a minority of the
41 number of qualified voters, such portion to be determined by the number of
42 votes cast in each area which is a contemplated new district, are in favor of
43 the division of the district, and upon such approval two (2) new school dis-
44 tricts shall be thereby created. The organization and division of all school
45 districts which have divided since June 30, 1963, are hereby validated.

46 If the division is approved, as herein provided, ~~county certify the~~
47 ~~results to the district and the district shall report the results to two (2)~~
48 new school districts are thereby created. The board of canvassers shall
49 thereupon promptly notify the state department of education and the affected
50 school districts of such result. The superintendent of public instruction

1 shall make an appropriate order showing the creation of the districts and a
 2 legal description of the boundaries, and the legal descriptions of the af-
 3 fected school districts shall be altered, as prescribed in section 33-307,
 4 Idaho Code.

5 SECTION 15. That Section 33-402, Idaho Code, be, and the same is hereby
 6 amended to read as follows:

7 33-402. NOTICE REQUIREMENTS.

8 ~~(1) (a) (b) (c) (d) (e) (f) (g) (2) a b c d e (3) (4) (5)~~

9 (61) Notice of annual meeting of elementary school districts as pro-
 10 vided for in section 33-510, Idaho Code, and of intent to discontinue a
 11 school, as provided for in section 33-511, Idaho Code, and annual bud-
 12 get hearing as provided for in section 33-801, Idaho Code, shall be given
 13 by posting ~~(2)~~ for not less than ten (10) days, and publishing once in a
 14 newspaper as provided in section 60-106, Idaho Code, published within the
 15 district, or, if there be none, then in a newspaper as provided in section
 16 60-106, Idaho Code, published in the county in which such district lies.
 17 If more than one (1) newspaper is printed and published in said district or
 18 county, then in the newspaper most likely to give best general notice of the
 19 election within said district; provided that if no newspaper is published
 20 in the said district or county, then in a newspaper as provided in section
 21 60-106, Idaho Code, most likely to give best general notice of the election
 22 within the district. If a financial emergency has been declared pursuant to
 23 section 33-522, Idaho Code, the notice of annual meeting and the notice of
 24 the annual budget hearing shall be posted pursuant to subsection (2) of this
 25 section, for not less than five (5) days, and by such further notice as shall
 26 provide reasonable notice to the patrons of the school district if publica-
 27 tion in a newspaper is not feasible.

28 (72) Notices calling for bids for the acquisition, use, or disposal of
 29 real and personal property as provided for in section 33-601, Idaho Code, and
 30 contracting for transportation services as provided for in section 33-1510,
 31 Idaho Code, shall be given in a newspaper of general circulation as required
 32 by chapter 1, title 60, Idaho Code, except that the notice for contracting
 33 for transportation services shall be made not less than four (4) weeks before
 34 the date of opening bids.

35 (83) Proof of posting notice shall be upon the affidavit of the person
 36 posting the same; and proof of publication shall be upon the affidavit of
 37 the publisher of the newspaper or newspapers respectively. Such affidavits
 38 shall be filed with the board by the clerk responsible for the posting and the
 39 publishing of said notice.

40 SECTION 16. That Section 33-510, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 33-510. ANNUAL MEETINGS -- REGULAR MEETINGS -- BOARDS OF TRUSTEES. The
 43 annual meeting of each school district shall be on the date of its regular
 44 July meeting in each year. Notice of the annual meeting of elementary school
 45 districts shall be given as provided in section 33-40±2, Idaho Code, but one
 46 (1) publication shall suffice.

1 Regular meetings of each board of school district trustees shall be held
2 monthly, on a uniform day of a uniform week as determined at the annual meet-
3 ing. Special meetings may be called by the chairman or by any two (2) members
4 of the board and held at any time. If the time and place of special meetings
5 shall not have been determined at a meeting of the board with all members be-
6 ing present, then notice of the time and place shall be given to each member
7 and announced by written notice conspicuously posted at the school district
8 office and at least two (2) or more public buildings within the school dis-
9 trict not less than twenty-four (24) hours before such special meeting is to
10 be convened.

11 A quorum for the transaction of business of the board of trustees shall
12 consist of a majority of the members of the board. Unless otherwise provided
13 by law, all questions shall be determined by a majority of the vote cast. The
14 chairman of the board may vote in all cases.

15 All meetings shall conform to the provisions of section 67-2340 through
16 section 67-2345, Idaho Code.

17 SECTION 17. That Section 33-511, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 33-511. MAINTENANCE OF SCHOOLS. The board of trustees of each school
20 district shall have the following powers and duties:

21 1. Each elementary school district shall maintain at least one (1) el-
22 elementary school, and each other school district shall maintain at least one
23 (1) elementary school and one (1) secondary school;

24 2. To employ necessary help and labor to maintain and operate the
25 schools of the district;

26 3. To discontinue any school within the district whenever it shall find
27 such discontinuance to be in the best interests of the district and of the
28 pupils therein. For the purposes of this section, discontinuing a school
29 shall mean no longer maintaining a school of any kind, at the same location,
30 except in the case of secondary units as herein provided.

31 When any school proposed to be discontinued is one which was operated
32 and maintained by a former district now wholly incorporated within the
33 boundaries of the district operated by said board of trustees, and, immedi-
34 ately following reorganization and the dissolution of said former district
35 such school has been continuously operated and maintained at the same loca-
36 tion by the presently organized district, the board of trustees must first
37 give notice of such proposal not later than the first day of July next preced-
38 ing the date of the proposed discontinuance. Such notice shall be posted,
39 and published once, in the manner provided in section 33-40~~1~~2, Idaho Code,
40 and shall identify the school proposed to be discontinued.

41 If, not later than the first day of August following the posting and pub-
42 lishing of the notice of discontinuance, five (5) or more qualified school
43 district electors residing within the school district shall petition the
44 board of trustees for an election to be held within the school district on
45 the question of discontinuance of that school, the board of trustees shall
46 forthwith order an election to be held within fourteen (14) days of the date
47 of said order, and shall give notice of the election.

48 Notice of such election shall be posted at or near the main door of the
49 school proposed to be discontinued and at or near the main door of the admin-

1 istrative offices of the school district, and shall also be published in one
2 (1) issue of a newspaper printed in the county in which is situate the school
3 proposed to be discontinued. The notice shall state the date the election
4 is to be held, the place of voting, and the hours between which the polls
5 shall be open. In addition, the notice of election shall describe the area of
6 the particular attendance unit of the school district and shall identify the
7 school proposed to be discontinued; and it shall state that only qualified
8 school district electors residing within the school district may vote on the
9 question of discontinuing the school.

10 The election shall be held within the school district and there shall be
11 submitted to the electors a ballot containing the proposal:

12 For discontinuing the school located at ,

13 Against discontinuing the school located at

14 If a majority of the qualified electors, hereinabove defined and vot-
15 ing in the election, shall vote against discontinuing that school, then said
16 school shall not be discontinued; and no proposal to discontinue the same
17 school shall be made by the board of trustees of the district within nine (9)
18 months after the date of the election.

19 If a secondary unit which the trustees of a district propose to close is
20 more than thirty (30) miles by all-weather road from the attendance unit to
21 which it is proposed to transfer such students, then, notwithstanding other
22 provisions of this section, five (5) electors residing within the attendance
23 area of the unit proposed to be closed may, as provided by this section, pe-
24 tition the board of trustees requesting an election to determine whether or
25 not such attendance unit, or any portion of it, shall be closed. The board
26 shall forthwith call and hold an election as herein provided. However, for
27 the purpose of this section relating to the secondary attendance unit thirty
28 (30) miles or more distant from another secondary attendance unit, only the
29 patrons resident in this attendance area shall be eligible to vote, except
30 for attendance units, or portions of them, created after January 1, 2002,
31 in which case qualified school district electors throughout the school dis-
32 trict shall be eligible to vote. The election shall be deemed passed and the
33 unit shall not be closed if a majority of those voting in the election vote in
34 favor of retaining the attendance unit.

35 SECTION 18. That Section 33-1510, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 33-1510. CONTRACTS FOR TRANSPORTATION SERVICE. (1) All contracts en-
38 tered into by boards of trustees for the transportation of pupils shall be in
39 writing using the current pupil transportation model contract developed by
40 the state department of education. School districts may attach to the model
41 contract addenda to meet local requirements. School districts shall submit
42 to the state superintendent of public instruction a copy of the pupil trans-
43 portation contract prior to both parties signing it, for a review of legal
44 requirements and appropriate costs and for final approval. The state super-
45 intendent of public instruction shall respond to the school district within
46 twenty-one (21) calendar days of the postmarked receipt of the contract by
47 notifying the school district of contract approval or of recommended or re-
48 quired changes. A school district may appeal to the state board of education

1 any changes the state superintendent requires, in which case the state board
2 may, upon review, approve the contract without such changes.

3 (2) No contract shall be executed covering a period of time exceeding
4 five (5) years. School districts shall advertise, bid and contract for all
5 bus transportation service routes at a single time, and contract with the
6 lowest responsible bidder or bidders meeting the specifications; provided
7 that, one (1) time only, a school district may renew a contract with the cur-
8 rent contractor if the board of trustees, after renegotiation with the con-
9 tractor, determines that the terms are satisfactory to the district. The
10 board of trustees may renew the contract for a term not to exceed five (5)
11 years. Renewal of any contract pursuant to this section shall not be granted
12 unless the provisions of this section were included, in a substantially con-
13 forming summary, within the bidding notice, published pursuant to section
14 33-601, Idaho Code, of the contract.

15 (3) Before entering into such contracts, the board of trustees shall
16 invite bids by twice giving notice as provided in section 33-402 (72), Idaho
17 Code, and shall award the contract to the lowest responsible bidder.

18 SECTION 19. That Section 33-1620, Idaho Code, as added by Section 1,
19 Chapter 294, Laws of 2010, be, and the same is hereby amended to read as fol-
20 lows:

21 33-1620~~5~~. LEGISLATIVE INTENT -- YOUTH ATHLETES -- CONCUSSION GUIDE-
22 LINES. The legislature finds that concussions are one of the most commonly
23 reported injuries in children and adolescents who participate in sports and
24 recreational activities. The centers for disease control and prevention
25 estimates that as many as three million eight hundred thousand (3,800,000)
26 sports-related and recreation-related concussions occur in the United
27 States each year. A concussion is caused by a blow or motion to the head or
28 body that causes the brain to move rapidly inside the skull. The risk of cat-
29 astrophic injuries or death is significant when a concussion or head injury
30 is not properly evaluated and managed.

31 Concussions are a type of brain injury that can range from mild to severe
32 and can disrupt the way the brain normally works. Concussions can occur in
33 any organized or unorganized sport or recreational activity and can result
34 from a fall or from players colliding with each other, the ground, or with
35 obstacles. Concussions occur with or without loss of consciousness, but the
36 vast majority occur without loss of consciousness.

37 Continuing to play with a concussion or symptoms of head injury leaves
38 the young athlete especially vulnerable to greater injury and even death.
39 The legislature recognizes that, despite having generally recognized re-
40 turn to play standards for concussion and head injury, some affected youth
41 athletes are prematurely returned to play resulting in actual or potential
42 physical injury or death to youth athletes in the state of Idaho.

43 (1) The state board of education shall collaborate with the Idaho high
44 school activities association to develop guidelines and other pertinent in-
45 formation and forms to inform and educate coaches, both paid and volunteer,
46 youth athletes, and their parents and/or guardians of the nature and risk
47 of concussion and head injury including risks associated with continuing to
48 play after concussion or head injury.

1 (2) The guidelines, information and forms described in subsection (1)
 2 of this section shall be developed for and may be used by all organized youth
 3 sport organizations or associations that sponsor, promote or otherwise ad-
 4 minister youth sport organizations or activities in this state. The state
 5 board of education shall make available on its internet website the guide-
 6 lines, information and forms provided for in this section.

7 SECTION 20. That Section 39-5606, Idaho Code, be, and the same is hereby
 8 amended to read as follows:

9 39-5606. PAYMENT TO BE MADE TO PROVIDER. Within the appropriations
 10 provided by law, and as authorized by rule, the department shall reimburse
 11 the provider for personal assistance services received by the participant.
 12 To qualify for reimbursement, personal assistance services must be deliv-
 13 ered in accordance with the participant's individual service plan and all
 14 federal requirements.

15 The department will establish annually uniform reimbursement rates
 16 for personal assistance agencies. This rate will be based on the prevail-
 17 ing hourly rate paid for comparable positions in the state for nursing home
 18 and intermediate care facility for the mentally retarded (ICF/MR) industry
 19 employees. ~~Personal assistance agencies and fiscal intermediary agencies~~

20 For state fiscal year 2011, this rate will only be adjusted if the prevail-
 21 ing hourly rate for comparable positions is less than the rate paid during
 22 state fiscal year 2010. The department will establish annually uniform re-
 23 imbursement rates for the PCS family alternate care providers according to
 24 methodology described in agency rule.

25 The director shall promulgate and adopt such necessary rules to imple-
 26 ment the requirements of this section.

27 SECTION 21. That Section 40-701, Idaho Code, as added by Section 1,
 28 Chapter 333, Laws of 2009, be, and the same is hereby amended to read as fol-
 29 lows:

30 40-701. HIGHWAY DISTRIBUTION ACCOUNT -- APPORTIONMENT. (1) There is
 31 established in the state treasury an account known as the "Highway Distribu-
 32 tion Account," to which shall be credited:

33 (a) Moneys as provided by sections 63-2412(1)(f)÷ and 63-2418(4),
 34 Idaho Code;

35 (b) All moneys collected by the department, their agents and vendors,
 36 and county assessors and sheriffs, under the provisions of title 49,
 37 Idaho Code, except as otherwise specifically provided for; and

38 (c) All other moneys as may be provided by law.

39 (2) The highway distribution account shall be apportioned as follows:

40 (a) Thirty-eight percent (38%) to local units of government as provided
 41 in section 40-709, Idaho Code;

42 (b) Sixty-two percent (62%) to the state highway account established in
 43 section 40-702, Idaho Code. The state controller shall cause the remit-
 44 tance of the moneys apportioned to local units of government not later
 45 than January 25, April 25, July 25 and October 25 of each year, and to the
 46 state highway account as the moneys become available to the highway dis-
 47 tribution account.

1 (3) Interest earned on the investment of idle moneys in the highway dis-
2 tribution account shall be paid to the highway distribution account.

3 (4) All idle moneys in the dedicated highway trust or asset accounts or
4 subaccounts established from highway user revenues, reimbursements, fees or
5 permits shall be invested by the state treasurer in the same manner as pro-
6 vided under section 67-1210, Idaho Code, with respect to other surplus or
7 idle moneys in the state treasury. Interest earned on the investments shall
8 be returned to the various highway trust or asset accounts and subaccounts.

9 SECTION 22. That the Heading for Chapter 16, Title 41, Idaho Code, be,
10 and the same is hereby amended to read as follows:

11 CHAPTER 16
12 WORKMEN'S WORKER'S COMPENSATION RATES

13 SECTION 23. That Section 41-3345, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 41-3345. UNCLAIMED AND WITHHELD FUNDS. (1) All unclaimed funds sub-
16 ject to distribution remaining in the liquidator's hands when he is ready to
17 apply to the court for discharge, including the amount distributable to any
18 creditor, shareholder, member, or other person who is unknown or cannot be
19 found, shall be deposited with the state treasurer, and shall be paid without
20 interest except in accordance with section 41-3342, Idaho Code, to the per-
21 son entitled thereto or his legal representative upon proof satisfactory to
22 the state treasurer of his right thereto. Any amount on deposit not claimed
23 within six (6) years from discharge of the liquidator shall be deemed to have
24 been abandoned and shall be escheated without formal escheat proceedings and
25 be deposited with the ~~tax collector~~ state treasurer pursuant to chapter 5,
26 title 14, Idaho Code.

27 (2) All funds withheld under section 41-3337, Idaho Code, and not dis-
28 tributed shall upon discharge of the liquidator be deposited with the state
29 treasurer and paid by him in accordance with section 41-3342, Idaho Code.
30 Any sums remaining which under section 41-3342, Idaho Code, would revert to
31 the undistributed assets of the insurer shall be transferred to the state
32 treasurer and become the property of the state under subsection (1) hereof,
33 unless the director in his discretion petitions the court to reopen the liq-
34 uidation under section 41-3347, Idaho Code.

35 SECTION 24. That Section 49-402, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each
38 pickup truck, each neighborhood electric vehicle and each other motor ve-
39 hicle having a maximum gross weight not in excess of eight thousand (8,000)
40 pounds and that complies with the federal motor vehicle safety standards as
41 defined in section 49-107, Idaho Code, shall be:

42	Vehicles one (1) and two (2) years old	\$48.00
43	Vehicles three (3) and four (4) years old	\$36.00
44	Vehicles five (5) and six (6) years old	\$36.00
45	Vehicles seven (7) and eight (8) years old	\$24.00

1 Vehicles over eight (8) years old \$24.00

2 There shall be twelve (12) registration periods, starting in January
3 for holders of validation registration stickers numbered 1, and proceed-
4 ing consecutively through December for holders of validation registration
5 stickers numbered 12, each of which shall start on the first day of a calendar
6 month and end on the last day of the twelfth month from the first day of the
7 beginning month. Registration periods shall expire midnight on the last day
8 of the registration period in the year designated by the validation regis-
9 tration sticker. The numeral digit on the validation registration stickers
10 shall, as does the registration card, fix the registration period under the
11 staggered plate system of Idaho for the purpose of reregistration and notice
12 of expiration.

13 A vehicle that has once been registered for any of the above designated
14 periods shall, upon reregistration, be registered for the period bearing the
15 same number, and the registration card shall show and be the exclusive proof
16 of the expiration date of registration and licensing. Vehicles may be ini-
17 tially registered for less than a twelve (12) month period, or for more than a
18 twelve (12) month period, and the fee prorated on a monthly basis if the frac-
19 tional registration tends to fulfill the purpose of the monthly series reg-
20 istration system.

21 (2) For all school buses operated either by a nonprofit, nonpublic
22 school or operated pursuant to a service contract with a school district
23 for transporting children to or from school or in connection with school
24 approved activities, the annual fee shall be twenty-four dollars (\$24.00).

25 (3) For all motorcycles and motor-driven cycles which comply with the
26 federal motor vehicle safety standards, operated upon the public highways
27 the annual fee shall be nine dollars (\$9.00).

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

41 (5) For all motor homes the fee shall be as specified in subsection (1)
42 of this section and shall be in addition to the fees provided for in section
43 49-445, Idaho Code.

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

45 (7) A financial institution or repossession service contracted to
46 a financial institution repossessing vehicles under the terms of a secu-
47 rity agreement shall move the vehicle from the place of repossession to the
48 financial institution's place of business on a repossession plate. The
49 repossession plate shall also be used for demonstrating the vehicle to a
50 prospective purchaser for a period not to exceed ninety-six (96) hours. The

1 registration fees for repossession plates shall be as required in subsection
2 (1) of this section for a vehicle one (1) and two (2) years old. All other
3 fees required under chapter 4, title 49, Idaho Code, shall be in addition to
4 the registration fee. The repossession plate shall be issued on an annual
5 basis by the department.

6 (8) A wrecker or towing business engaged in the process of towing motor-
7 ized vehicles, which have been wrecked, abandoned, salvaged or may be dis-
8 abled, may apply for a wrecker plate to be displayed on those vehicles being
9 towed, provided the power unit is properly registered under this chapter.
10 The registration fees for wrecker plates shall be as required in subsection
11 (1) of this section for a vehicle one (1) and two (2) years old. All other
12 fees required under chapter 4, title 49, Idaho Code, shall be in addition to
13 the registration fee. The wrecker plate shall be issued on an annual basis by
14 the department.

15 (9) In addition to the annual registration fee in this section, there
16 shall be an initial program fee of twenty-five dollars (\$25.00) and an an-
17 nual program fee of fifteen dollars (\$15.00) for all special license plate
18 programs for those license plates issued pursuant to sections 49-404A,
19 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For
20 special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code,
21 there shall be an initial program fee of twenty-five dollars (\$25.00) but
22 there shall be no annual renewal fee. For special plates issued pursuant
23 to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B, 49-416C, 49-416D,
24 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E, 49-418A,
25 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D,
26 49-419E, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E, 49-420G,
27 49-420H, and 49-420I and 49-420J, Idaho Code, there shall be an initial
28 program fee of thirty-five dollars (\$35.00) and an annual program fee of
29 twenty-five dollars (\$25.00). The fees contained in this subsection shall
30 be applicable to all new special plate programs. The initial program fee and
31 the annual program fee shall be deposited in the state highway account and
32 shall be used to fund the cost of administration of special license plate
33 programs, unless otherwise specified by law.

34 (10) Any vehicle that does not meet federal motor vehicle safety stan-
35 dards shall not be registered and shall not be permitted to operate on public
36 highways of the state, as defined in section 40-117, Idaho Code, unless oth-
37 erwise specifically authorized.

38 SECTION 25. That Section [51-123](#), Idaho Code, be, and the same is hereby
39 repealed.

40 SECTION 26. That Section 56-113, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 56-113. INTERMEDIATE CARE FACILITIES FOR PEOPLE WITH INTELLECTUAL
43 DISABILITIES. (1) Services provided by intermediate care facilities for
44 people with intellectual disabilities, with the exception of state operated
45 facilities, shall be paid in accordance with the provisions of this section,
46 and not as provided in any other section of this chapter, unless otherwise
47 provided in this section. State operated facilities shall be reimbursed
48 costs based on medicare reasonable cost provisions.

1 (2) ~~people with intellectual disabilities~~ Intermediate care facili-
 2 ties for people with intellectual disabilities shall be reimbursed based on
 3 a prospective rate system effective July 1, 2010, using audited cost reports
 4 for the calendar year ending 2008 without cost or cost limit adjustments for
 5 inflation. In no event, shall payments to this class of facility exceed, in
 6 the aggregate, the amount which would be reimbursed using medicare cost re-
 7 imbursement methods as defined in the medicare provider reimbursement man-
 8 ual (HCFA - pub. 15).

9 (3) The prospective rate shall consist of the following components:

10 (a) A component for reasonable property costs which shall be computed
 11 using the property rental rate methodology set forth in section 56-108,
 12 Idaho Code, with the exceptions that the base rate shall exclude major
 13 ~~moveable~~ movable equipment and grandfathered rates will not apply. The
 14 initial base rate shall be eight dollars and ninety-four cents (\$8.94)
 15 for facilities that accommodate residents in wheelchairs and five dol-
 16 lars and eighty-one cents (\$5.81) for facilities that cannot accommo-
 17 date residents in wheelchairs. The rates shall be adjusted annually as
 18 provided in section 56-108, Idaho Code; and

19 (b) A component for forecasted reasonable day treatment costs which
 20 shall be subject to a per patient day limit as provided in rule; and

21 (c) A component for all other allowable costs as determined in accor-
 22 dance with department rules which shall be subject to a limitation based
 23 on a percentage of the forecasted median for such costs of intermedi-
 24 ate care facilities for people with intellectual disabilities, exclud-
 25 ing state operated facilities.

26 (4) The director may require retrospective settlement as provided by
 27 rule in limited circumstances including, but not limited to:

28 (a) The facility fails to meet quality of care standards; or

29 (b) The facility is new or operated by a new provider, until such time as
 30 a prospective rate is set; or

31 (c) The prospective rate resulted from fraud, abuse or error.

32 (5) The director shall have authority to provide by rule, exceptions to
 33 the limitations described in subsection (3) of this section.

34 (6) The director shall promulgate the rules necessary to carry out the
 35 provisions of this section.

36 SECTION 27. That the Heading for Chapter 13, Title 59, Idaho Code, be,
 37 and the same is hereby amended to read as follows:

38 CHAPTER 13

39 PUBLIC EMPLOYEES RETIREMENT SYSTEM

40 SECTION 28. That Section 63-301A, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 63-301A. NEW CONSTRUCTION ROLL. (1) The county assessor shall prepare
 43 a new construction roll, which shall be in addition to the property roll,
 44 which new construction roll shall show:

45 (a) The name of the taxpayer;

46 (b) The description of the new construction, suitably detailed to meet
 47 the requirements of the individual county;

1 (c) A description of the land and its change in use, suitably detailed
2 to meet the needs of the individual county;

3 (d) The amount of taxable market value added to the property on the cur-
4 rent year's property roll that is directly the result of new construc-
5 tion or a change in use of the land or both;

6 (e) The amount of taxable market value added as provided in subsection
7 (3) (g) of this section as a result of dissolution of any revenue alloca-
8 tion area;

9 (f) The amount of taxable market value to be deducted to reflect the ad-
10 justments required in paragraphs (f) (i), (f) (ii) and (f) (iii) of this
11 subsection:

12 (i) Any board of tax appeals or court ordered value change, if
13 property has a taxable value lower than that shown on any previous
14 new construction roll;

15 (ii) Any reduction in value resulting from correction of value im-
16 properly included on any previous new construction roll as a re-
17 sult of double or otherwise erroneous assessment;

18 (iii) Any reduction in value resulting from a change of land use
19 classification.

20 (2) As soon as possible, but in any event by no later than the first Mon-
21 day in June, the new construction roll shall be certified to the county audi-
22 tor and a listing showing the amount of value on the new construction roll in
23 each taxing district or unit be forwarded to the state tax commission on or
24 before the fourth Monday in July. Provided however, the value shown in sub-
25 section (3) (f) of this section shall be reported to the appropriate county
26 auditor by the state tax commission by the third Monday in July and the value
27 sent by the county auditor to each taxing district. The value established
28 pursuant to subsection (3) (f) of this section is subject to correction by the
29 state tax commission until the first Monday in September and any such correc-
30 tions shall be sent to the appropriate county auditor, who shall notify any
31 affected taxing districts.

32 (3) The value shown on the new construction roll shall include the tax-
33 able market value increase from:

34 (a) Construction of any new structure that previously did not exist; or

35 (b) Additions or alterations to existing nonresidential structures; or

36 (c) Installation of new or used manufactured housing that did not pre-
37 viously exist within the county; or

38 (d) Change of land use classification; or

39 (e) Property newly taxable as a result of loss of the exemption provided
40 by section 63-602W, Idaho Code; or

41 (f) The construction of any improvement or installation of any equip-
42 ment used for or in conjunction with the generation of electricity and
43 the addition of any improvement or equipment intended to be so used, ex-
44 cept property that has a value allocated or apportioned pursuant to sec-
45 tion 63-405, Idaho Code, or that is owned by a cooperative or municipal-
46 ity, as those terms are defined in section 61-332A, Idaho Code, or that
47 is owned by a public utility, as that term is defined in section 61-332A,
48 Idaho Code, owning any other property that is allocated or apportioned.
49 No replacement equipment or improvements may be included; or

1 (g) Increases in value over the base value of property on the base as-
2 sessment roll within an urban renewal revenue allocation area that has
3 been terminated pursuant to section 50-2909(4), Idaho Code, to the ex-
4 tent that this increment exceeds the incremental value as of December
5 31, 2006, or, for revenue allocation areas formed after December 31,
6 2006, the entire increment value. Notwithstanding other provisions of
7 this section, the new construction roll shall not include new construc-
8 tion located within an urban renewal district's revenue allocation
9 area, except as provided in this subsection (3) (g); or

10 (h) New construction previously allowable but never included on a new
11 construction roll, provided however, that, for such property, the value
12 on the new construction roll shall reflect the taxable value that would
13 have been included on the new construction roll for the first year in
14 which the property should have been included.

15 (hi) Formerly exempt improvements on state college or state university
16 owned land for student dining, housing, or other education related pur-
17 poses approved by the state board of education and board of regents of
18 the university of Idaho as proper for the operation of such state col-
19 lege or university provided however, such improvements were never in-
20 cluded on any previous new construction roll.

21 (4) The amount of taxable market value of new construction shall be the
22 change in net taxable market value that is attributable directly to new con-
23 struction or a change in use of the land or loss of the exemption provided
24 by section 63-602W(3), Idaho Code. It shall not include any change in value
25 of existing property that is due to external market forces such as general
26 or localized inflation, except as provided in subsection (3) (g) of this sec-
27 tion.

28 SECTION 29. That Section 67-2601, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 67-2601. DEPARTMENT CREATED -- ORGANIZATION -- DIRECTOR -- BUREAU OF
31 OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of
32 self-governing agencies. The department shall, for the purposes of section
33 20, article IV of the constitution of the state of Idaho, be an executive de-
34 partment of the state government.

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

36 (a) Agricultural commodity commissions: Idaho apple commission, as
37 provided by chapter 36, title 22, Idaho Code; Idaho bean commission,
38 as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as
39 provided by chapter 29, title 25, Idaho Code; Idaho cherry commission,
40 as provided by chapter 37, title 22, Idaho Code; Idaho dairy products
41 commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea
42 and lentil commission, as provided by chapter 35, title 22, Idaho Code;
43 Idaho potato commission, as provided by chapter 12, title 22, Idaho
44 Code; the Idaho wheat commission, as provided by chapter 33, title 22,
45 Idaho Code; and the Idaho aquaculture commission, as provided by chap-
46 ter 44, title 22, Idaho Code.

47 (b) Professional and occupational licensing boards: Idaho state board
48 of certified public accountancy, as provided by chapter 2, title 54,
49 Idaho Code; board of acupuncture, as provided by chapter 47, title 54,

1 Idaho Code; board of architectural examiners, as provided by chapter
2 3, title 54, Idaho Code; office of the state athletic director, as pro-
3 vided by chapter 4, title 54, Idaho Code; board of barber examiners, as
4 provided by chapter 5, title 54, Idaho Code; board of commissioners of
5 the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board
6 of chiropractic physicians, as provided by chapter 7, title 54, Idaho
7 Code; Idaho board of cosmetology, as provided by chapter 8, title 54,
8 Idaho Code; Idaho counselor licensing board, as provided by chapter 34,
9 title 54, Idaho Code; state board of dentistry, as provided by chapter
10 9, title 54, Idaho Code; state board of denturistry, as provided by chap-
11 ter 33, title 54, Idaho Code; ~~state board of engineering examiners~~ Idaho
12 board of licensure of professional engineers and professional land
13 surveyors, as provided by chapter 12, title 54, Idaho Code; state board
14 for registration of professional geologists, as provided by chapter 28,
15 title 54, Idaho Code; speech and hearing services licensure board, as
16 provided by chapter 29, title 54, Idaho Code; Idaho physical therapy
17 licensure board, as provided by chapter 22, title 54, Idaho Code; Idaho
18 state board of landscape architects, as provided by chapter 30, title
19 54, Idaho Code; liquefied petroleum gas safety board, as provided by
20 chapter 53, title 54, Idaho Code; state board of medicine, as provided
21 by chapter 18, title 54, Idaho Code; state board of morticians, as pro-
22 vided by chapter 11, title 54, Idaho Code; board of naturopathic medical
23 examiners, as provided by chapter 51, title 54, Idaho Code; board of
24 nurses, as provided by chapter 14, title 54, Idaho Code; board of exam-
25 iners of nursing home administrators, as provided by chapter 16, title
26 54, Idaho Code; state board of optometry, as provided by chapter 15,
27 title 54, Idaho Code; Idaho outfitters and guides board, as provided
28 by chapter 21, title 36, Idaho Code; board of pharmacy, as provided by
29 chapter 17, title 54, Idaho Code; state board of podiatry, as provided
30 by chapter 6, title 54, Idaho Code; Idaho state board of psychologist
31 examiners, as provided by chapter 23, title 54, Idaho Code; Idaho real
32 estate commission, as provided by chapter 20, title 54, Idaho Code; real
33 estate appraiser board, as provided by chapter 41, title 54, Idaho Code;
34 board of social work examiners, as provided by chapter 32, title 54,
35 Idaho Code; the board of veterinary medicine, as provided by chapter 21,
36 title 54, Idaho Code; the board of examiners of residential care facil-
37 ity administrators, as provided by chapter 42, title 54, Idaho Code; the
38 certified shorthand reporters board, as provided by chapter 31, title
39 54, Idaho Code; the driving businesses licensure board, as provided by
40 chapter 54, title 54, Idaho Code; the board of drinking water and waste-
41 water professionals, as provided by chapter 24, title 54, Idaho Code;
42 and the board of midwifery, as provided by chapter 55, title 54, Idaho
43 Code.

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

45 (d) The division of building safety: building code board, chapter 41,
46 title 39, Idaho Code; manufactured housing board, chapter 21, title
47 44, Idaho Code; electrical board, chapter 10, title 54, Idaho Code;
48 public works contractors license board, chapter 19, title 54, Idaho
49 Code; plumbing board, chapter 26, title 54, Idaho Code; public works
50 construction management, chapter 45, title 54, Idaho Code; the heating,

1 ventilation and air conditioning board, chapter 50, title 54, Idaho
2 Code; and modular building advisory board, chapter 43, title 39, Idaho
3 Code.

4 (e) The division of veterans services to be headed by a division ad-
5 ministrator who shall be a nonclassified employee exempt from the pro-
6 visions of chapter 53, title 67, Idaho Code. The administrator of the
7 division shall administer the provisions of chapter 2, title 65, Idaho
8 Code, and chapter 9, title 66, Idaho Code, with the advice of the vet-
9 erans affairs commission established under chapter 2, title 65, Idaho
10 Code, and shall perform such additional duties as are imposed upon him
11 by law.

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

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

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