Tab 4

Interim Committee Updates

Campaign Finance Reform

State Employee Group Insurance & Benefits

Citizens' Committee on Legislative Compensation (information will be provided 11/9)

Natural Resources Interim Committee

Commercial & Farm Vehicle Registration/Operating Fees

Idaho Council on Indian Affairs

Criminal Justice Reinvestment Oversight Committee

Public School Funding Formula Committee

Occupational Licensing & Certification Laws Committee

(Please double click to enlarge the document. You can then maneuver through the pages with the arrows located at the bottom of the document, click "open file" in the top right corner or download the file to your computer using the "extract file" icon located at the bottom of the document in the pdf tool bar.)

LEGISLATIVE COUNCIL UPDATE

Campaign Finance Reform
Legislative Interim Committee
SCR 143 (2018)

Members of the Committee:

Senator Patti Anne Lodge, Co-Chair	Representative Fred Wood, Co-Chair
Senator Mary Souza	Representative John Vander Woude
Senator Mark Harris	Representative Thomas F. Loertscher
Senator Jeff Agenbroad	Representative Sage G. Dixon
Senator Michelle Stennett	Representative Mathew W. Erpelding
	Representative Megan Blanksma – Ad Hoc

Staff: Kristin Ford, Maggie Smith, Ana Lara

Summary of Committee Action:

The Campaign Finance Reform Legislative Interim Committee met five times in 2018: on March 27th, July 17th, August 20th, October 16th and October 24th. Since this is the Committee's second year, the Committee began by reviewing how the legislation that was recommended by the Committee but was unsuccessful during the 2018 session could be improved upon.

Over the course of the interim, the Committee proceeded to discuss:

1) Extending campaign finance reporting requirements to all local elections if the candidate receives or spends more than $500;
2) Consolidating campaign finance reporting at the state level with the Secretary of State's office;
3) Enhancing the enforcement of penalties to reduce the occurrence of late or unfiled reports;
4) Increasing the frequency of report filings; and
5) The scope and disclosure requirements for electioneering communications and independent expenditures.

The Committee received input from the Secretary of State's Office, the Ada County Clerk's office, the Attorney General's office, and stakeholders such as lobbyists, the Idaho Freedom Foundation, the Institute for Free Speech and the Campaign Legal Center. In all, the Committee reviewed about thirty pieces of draft legislation and agreed on two final drafts to be introduced to the 2019 Legislature: DRKMF049 and 050.

The Committee also received regular updates from the Secretary of State's Office regarding the progress of their new reporting software that is being developed. The Committee does not plan to meet again in 2018.

DRAFT

DRKMF049

LEGISLATURE OF THE STATE OF IDAHO

Sixty-fifth Legislature First Regular Session - 2019

This bill draft contains confidential and privileged information exempt from disclosure under Section 74-109(1), Idaho Code. If you have received this message by mistake, please notify us immediately by replying to this message or telephoning the Legislative Services Office at (208) 334-2475.

AN ACT

RELATING TO CAMPAIGN FINANCE REPORTS; AMENDING SECTION 67-6601, IDAHO CODE, TO REVISE THE PURPOSE OF THE ACT; AMENDING SECTION 67-6602, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 67-6604, IDAHO CODE, TO PROVIDE FOR THE INSPECTION OF CERTAIN POLITICAL ACCOUNTS BY A COUNTY CLERK, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6607, IDAHO CODE, TO REVISE PROVISIONS REGARDING REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND POLITICAL COMMITTEES; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6607A, IDAHO CODE, TO PROVIDE FOR LIMITED APPLICATION OF CAMPAIGN FINANCE REPORTING LAWS TO CERTAIN ELECTIONS; AMENDING SECTION 67-6608, IDAHO CODE, TO REVISE PROVISIONS REGARDING REPORTS OF UNEXPENDED BALANCES OR CAMPAIGN DEBT; AMENDING SECTION 67-6610A, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTRIBUTION LIMITS AND TO PROVIDE FOR APPLICABILITY TO SPECIAL ELECTIONS; AMENDING SECTION 67-6610B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6615, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS REGARDING THE INSPECTION OF STATEMENTS PURSUANT TO THIS CHAPTER, TO PROVIDE LEGISLATIVE INTENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6616, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS REGARDING THE EXAMINATION OF STATEMENTS FILED PURSUANT TO THIS CHAPTER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6623, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS; AMENDING SECTION 67-6625A, IDAHO CODE, TO PROVIDE THAT THE SECRETARY OF STATE OR COUNTY CLERK SHALL PROVIDE NOTIFICATION TO PERSONS WHO HAVE FAILED TO FILE A REQUIRED STATEMENT OR REPORT; AMENDING SECTION 67-6626, IDAHO CODE, TO PROVIDE FOR THE ROLE OF A COUNTY CLERK IN AN INJUNCTION TO ENFORCE THE ACT; REPEALING SECTION 1-2220A, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR MAGISTRATE RETENTION ELECTIONS; REPEALING SECTION 31-2012, IDAHO CODE, AMENDING SECTION 33-503, IDAHO CODE, TO REMOVE A PROVISION REGARDING CAMPAIGN FINANCE REPORTING FOR CERTAIN SCHOOL TRUSTEE ELECTIONS; AMENDING SECTION 33-2106, IDAHO CODE, TO REMOVE LANGUAGE REGARDING CAMPAIGN FINANCE REPORTING FOR COMMUNITY COLLEGE TRUSTEE ELECTIONS; REPEALING SECTION 40-1417, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR COUNTY-WIDE HIGHWAY DISTRICT ELECTIONS; REPEALING SECTION 50-420, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING IN CERTAIN CITY ELECTIONS; AND REPEALING SECTION 67-4931, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR AUDITORIUM DISTRICT ELECTIONS.

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

SECTION 1. That Section 67-6601, Idaho Code, be, and the same is hereby amended to read as follows:

67-6601. PURPOSE OF ACT. The purpose of this act is:

(~~a~~1) To promote public confidence in government; and

(~~b~~2) To promote openness in government ~~and avoiding secrecy~~ and to promote transparency by those giving financial support to ~~state~~ election campaigns and those promoting or opposing legislation or attempting to influence executive or administrative actions for compensation ~~at the state level~~.

SECTION 2. That Section 67-6602, Idaho Code, be, and the same is hereby amended to read as follows:

67-6602. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

(~~a~~1) "Candidate" means an individual who ~~has taken affirmative action to seek nomination or election to public office. An individual shall be deemed to have taken affirmative action to seek such nomination or election to public office when he first:~~

~~(1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or~~

~~(2) Announces publicly or files for office~~

seeks nomination, election or reelection to public office and who has taken any of the following actions:

(a) Announced his or her candidacy publicly;

(b) Filed for public office;

(c) Received a contribution for the purpose of promoting his or her candidacy for office; or

(d) Made an expenditure, contracted for services or reserved space with the intent of promoting his or her candidacy for office.

~~(3)~~ For purposes of this chapter, an incumbent shall be presumed to be a candidate in the subsequent election for his or her office~~. Contributions received by an incumbent candidate shall not be in excess of the prescribed contribution limits for the subsequent election by which the incumbent candidate's name would first appear on the ballot. An incumbent shall no longer be a candidate for his or her office after the deadline for the filing of a declaration of candidacy to first appear on the ballot for that office has expired~~, until he or she has failed to file a declaration of candidacy by the statutory deadline.

(~~b~~2) "Compensation" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to do any of the foregoing, for services rendered or to be rendered, but does not include reimbursement of expenses if such reimbursement does not exceed the amount actually expended for such expenses and is substantiated by an itemization of such expenses.

(~~c~~3) "Contribution" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, sub-

scription or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution, in support of or in opposition to any candidate, political committee or measure. Such term also includes personal funds or other property of a candidate or members of his household expended or transferred to cover expenditures incurred in support of such candidate but does not include personal funds used to pay the candidate filing fee. Such term also includes the rendering of personal and professional services for less than full consideration, but does not include ordinary home hospitality or the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers or advisors or incidental expenses not in excess of twenty-five dollars ($25.00) personally paid for by any volunteer campaign worker. "Part-time" services, for the purposes of this definition, means services in addition to regular full-time employment, or, in the case of an unemployed person or persons engaged in part-time employment, services rendered without compensation or reimbursement of expenses from any source other than the candidate or political committee for whom such services are rendered. For the purposes of this act, contributions, other than money or its equivalent shall be deemed to have a money value equivalent to the fair market value of the contribution.

(~~d~~4) "Election" means any state or local general, special, recall or primary election.

(~~e~~5) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a measure.

(~~f~~6) (~~1~~a) "Electioneering communication" means any communication broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or telephone calls made to personal residences, or otherwise distributed that:

(i) Unambiguously refers to any candidate; and

(ii) Is broadcasted, printed, mailed, delivered, made or distributed within thirty (30) days before a primary election or sixty (60) days before a general election; and

(iii) Is broadcasted to, printed in a newspaper, distributed to, mailed to or delivered by hand to, telephone calls made to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(~~2~~b) "Electioneering communication" does not include:

(i) Any news articles, editorial endorsements, opinion or commentary, writings, or letter to the editor printed in a newspaper, magazine, or other periodical not owned or controlled by a candidate, political committee, or political party;

(ii) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate, political committee, or political party;

(iii) Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

(iv) Any communication which refers to any candidate only as part of the popular name of a bill or statute;

(v) A communication which constitutes an expenditure or an independent expenditure under this chapter.

(~~g~~7) "Executive official" means:

(~~1~~a) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general, superintendent of public instruction and any deputy or staff member of one (1) of those individuals who, within the course and scope of his or her employment, is directly involved in major policy influencing decisions for the office;

(~~2~~b) A state department or agency director, deputy director, division administrator or bureau chief as established and enumerated in sections 67-2402 and 67-2406, Idaho Code;

(~~3~~c) The membership and the executive or chief administrative officer of any board or commission that is authorized to make rules or conduct rulemaking activities pursuant to section 67-5201, Idaho Code;

(~~4~~d) The membership and the executive or chief administrative officer of any board or commission that governs any of the state departments enumerated in section 67-2402, Idaho Code, not including public school districts;

(~~5~~e) The membership and the executive or chief administrative officer of the Idaho public utilities commission, the Idaho industrial commission, and the Idaho state tax commission; and

(~~6~~f) The members of the governing board of the state insurance fund, and the members of the governing board and the executive or chief administrative officer of the Idaho housing and finance association, the Idaho energy resources authority, and the Idaho state building authority.

(~~h~~8) "Expenditure" includes any payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

(~~i~~9) "Independent expenditure" means any expenditure by a person for a communication expressly advocating the election, passage or defeat of a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the consent of, or in consultation with, or at the request of a suggestion of, a candidate or any agent or authorized committee of the candidate or political committee supporting or opposing a measure. As used in this subsection, "expressly advocating" means any communication containing a message advocating election, passage or defeat including, but not limited to, the name of the candidate or measure, or expression such as "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat" or "reject."

(~~j~~10) "Lobby" and "lobbying" each means attempting through contacts with, or causing others to make contact with, members of the legislature or legislative committees or an executive official, to influence the approval, modification or rejection of any legislation by the legislature of the state

of Idaho or any committee thereof or by the governor or to develop or maintain relationships with, promote goodwill with, or entertain members of the legislature or executive officials. "Lobby" and "lobbying" shall also mean communicating with an executive official for the purpose of influencing the consideration, amendment, adoption or rejection of any rule or rulemaking as defined in section 67-5201, Idaho Code, or any ratemaking decision, procurement, contract, bid or bid process, financial services agreement, or bond issue. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization; and provided that neither "lobby" nor "lobbying" includes communicating with an executive official for the purpose of carrying out ongoing negotiations following the award of a bid or a contract, communications involving ongoing legal work and negotiations conducted by and with attorneys for executive agencies, interactions between parties in litigation or other contested matters, or communications among and between members of the legislature and executive officials and their employees, or by state employees while acting in their official capacity or within the course and scope of their employment.

(~~k~~11) "Lobbyist" includes any person who lobbies.

(~~l~~12) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed, directly or indirectly, and all persons by whom he is compensated for acting as a lobbyist.

(~~m~~13) "Local government office" means any publicly elected office for any political subdivision of the state or special district that is not a legislative, judicial, statewide or federal office.

(14) "Measure" means any proposal~~, to be voted statewide,~~ submitted to the people for their approval or rejection at an election, including any initiative, referendum, recall election ~~for statewide or legislative district offices,~~ or revision of or amendment to the state constitution. An initiative or referendum proposal shall be deemed a measure when the attorney general, county prosecutor or city attorney, as appropriate, reviews it and gives it a ballot title. A recall shall be deemed a measure upon approval of the recall petition as to form pursuant to section 34-1704, Idaho Code.

(~~n~~15) "Nonbusiness entity" means any group of two (2) or more individuals, corporation, association, firm, partnership, committee, club or other organization which:

(~~1~~a) Does not have as its principal purpose the conduct of business activities for profit; and

(~~2~~b) Received during the preceding or current calendar year contributions, gifts or membership fees, which in the aggregate exceeded ten percent (10%) of its total receipts for such year.

(~~o~~16) "Person" means an individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of persons.

(~~p~~17) "Political committee" means:

(~~1~~a) Any person specifically designated to support or oppose any candidate or measure; or

(~~2~~b) Any person who receives contributions and makes expenditures in an amount exceeding five hundred dollars ($500) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or

measures. Any entity registered with the federal election commission shall not be considered a political committee for purposes of this chapter.

(~~3~~c) A county, district or regional committee of a recognized political party shall not be considered a political committee for the purposes of this chapter unless such party committee has expenditures exceeding five thousand dollars ($5,000) in a calendar year.

(~~q~~18) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.

(~~r~~19) "Public office" means any local, legislative, judicial or state office or position~~, state senator, state representative, and judge of the district court~~ that is filled by election but does not include the office of precinct committeeman.

SECTION 3. That Section 67-6604, Idaho Code, be, and the same is hereby amended to read as follows:

67-6604. ACCOUNTS OF POLITICAL TREASURER. (~~a~~1) The political treasurer for each candidate or political committee shall keep detailed accounts, current within not more than seven (7) days after the date of receiving the contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a statement filed under this act.

(~~b~~2) Accounts kept by the political treasurer for a candidate or political committee may be inspected, before the election to which the accounts refer, by the Secretary of State, or county clerk for local government offices or measures, or his agent or employee, who is making an investigation pursuant to section 67-6615, Idaho Code.

(~~c~~3) Accounts kept by a political treasurer shall be preserved by him for at least one (1) year after the date of the election to which the accounts refer or at least one (1) year after the date the last supplemental statement is filed under section 67-660~~9,~~8, Idaho Code, whichever is later.

SECTION 4. That Section 67-6607, Idaho Code, be, and the same is hereby amended to read as follows:

67-6607. REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND POLITICAL COMMITTEES. (~~a~~1) The political treasurer for each candidate and the political treasurer of each political committee shall file with the secretary of state~~:~~

~~(1) Not more than fourteen (14) days and not less than seven (7) days before the date of a primary election in which the candidate or political committee is involved,~~ a statement of all contributions received and all expenditures ~~or~~ and encumbrances made by or on behalf of the candidate or political committee ~~prior to the fifteenth day before the primary~~ for four months preceding each election and for the month of the election itself. The statement shall itemize each contribution received and each expenditure or encumbrance made during the reported month and shall include the following:~~;~~

(a) Under contributions, the statement shall include a list of all the contributions received, including any funds or property of the candidate used to cover expenditures. The statement shall list the full name and complete address of each person who contributed an aggregate amount of more than fifty dollars ($50.00) and the amount contributed by that person. The statement may list as a single item the total amount of contributions of fifty dollars ($50.00) or less; and

(b) Under expenditures, the statement shall include the name and address of each person to whom an expenditure or encumbrance was made in the amount of twenty-five dollars ($25.00) or more, and the amount, date, and purpose of each expenditure. Each expenditure or encumbrance in the amount of twenty-five dollars ($25.00) or more shall be vouched for by a receipt or canceled check or an accurate copy thereof. The statement may list as a single item the total amount of expenditures and encumbrances of less than twenty-five dollars ($25.00) without showing the exact amount of or vouching for each such expenditure or encumbrance. Anything of value, other than money, paid for or contributed by any person shall be listed both as an expenditure and as a contribution.

~~(2) Not more than thirty (30) days after the date of a primary election in which a candidate or a political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee to cover the period since the fifteenth day before the primary election to and including the tenth day after the primary election;~~

~~(3) For all political committees supporting or opposing measures, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the measure or any candidate or made by or against the measure or any candidate shall be filed on the same dates provided in paragraphs (1), (2), (4), (5) and (6) of this subsection;~~

~~(4) Not later than October 10 immediately preceding a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee since and including the eleventh day after the date of the primary election and to and including September 30;~~

~~(5) Not more than fourteen (14) days and not less than seven (7) days before the date of a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee since and including October 1 and to and including the sixteenth day before the general election, together with a cumulative statement showing all such contributions and expenditures or encumbrances to and including the sixteenth day before the general election; and~~

~~(6) Not more than thirty (30) days after the date of a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee to cover the period since the fifteenth day before the general election to and including the tenth day after the general election.~~

(~~b~~2) ~~For t~~The first report under this section ~~the reporting period~~ shall cover the period beginning with the first contribution, expenditure, or encumbrance through the end of the fourth month prior to the election. A monthly report shall subsequently be filed for each of the three months prior to the election and for the month of the election. Each monthly report shall be due on the tenth day of the month following the month being reported.

(3) In addition to the regular monthly reports set forth in subsection (2) of this section, a report shall be filed:

(a) By the seventh day before the November election and shall cover all contributions and expenditures made since the last report was filed and up through the fourteenth day before the November election; and

(b) By the thirty-first day of January and shall cover all contributions and expenditures made since the last report was filed covering the month of the November election.

(~~c~~(4)) Notwithstanding any other reports required under this section, the political treasurer for each candidate and any political committee shall notify the secretary of state~~, in writing,~~ of any aggregate contribution of one thousand dollars ($1,000) or more~~, received by the political treasurer after the sixteenth day before, but more than forty-eight (48) hours before, any primary or general election~~. This notification shall be made within forty-eight (48) hours after the receipt of such contribution and shall include the name of the candidate, political committee or measure, the identification of the contributor, and the date or dates of receipt and amount of the contribution. The notification shall be in addition to the reporting of these contributions in the ~~postelection report~~ regular reports.

(~~d~~5) ~~For a~~All reports required pursuant to this section shall be filed online with the secretary of state~~shall accept the date of a postmark as the date of receipt except for the seven (7) day preelection reports which must be received by no later than 5:00 p.m. on the seventh day preceding the primary or general election~~, except as provided in section 67-6623, Idaho Code, by no later than midnight on the date the filing is due.

~~(e) Any reports required to be filed under the provisions of this section may also be filed by means of an electronic facsimile transmission machine and may be filed by other electronic means as approved by the secretary of state.~~

SECTION 5. That Chapter 66, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-6607A, Idaho Code, and to read as follows:

67-6607A. SPECIAL PROVISION FOR LOCAL ELECTIONS AND MEASURES. The political treasurer for a candidate or political committee for a local government office or local ballot measure is exempt from filing reports under sections 67-6607 and 67-6608, Idaho Code, unless and until such time as the candidate or political committee receives contributions or expends funds in the amount of five hundred dollars ($500) or more. Within seven (7) calendar days of the five hundred dollar ($500) threshold being met, the political treasurer for the candidate or political committee shall file a cumulative report covering the period from the first contribution or expenditure to the current date and shall file all subsequent reports according to sec-

tions 67-6607 and 67-6608, Idaho Code, regardless of amounts received or expended.

SECTION 6. That Section 67-6608, Idaho Code, be, and the same is hereby amended to read as follows:

67-6608. ~~DISPOSITION~~ POST-ELECTION REPORTS OF UNEXPENDED BALANCES OR CAMPAIGN DEBT. (~~a~~1) If a statement filed under ~~paragraph (3) of subsection (a) of~~ section 67-6607, Idaho Code, ~~pertaining to post-general election reports or under paragraph (6) of subsection (a) of section 67-6607, Idaho Code,~~ shows an unexpended balance of contributions or an expenditure deficit, the political treasurer for ~~the~~ a candidate ~~for nonstatewide office~~ or political committee or measure that has prevailed in an election shall continue to file ~~annual~~ reports ~~on January 31, to cover the period since the end of the last report period, to and including the last day of the month preceding the month in which the report is filed. If a statement filed under paragraph (6) of subsection (a) of~~ pursuant to section 67-6607, Idaho Code, ~~shows an unexpended balance of contributions or an expenditure deficit, the political treasurer for the candidate for statewide office shall continue to file semiannual reports on January 31 and July 31, to cover the period since the end of the last report period, to and including the last day of the month preceding the month in which the report is filed~~. Such reports shall be filed until the account shows no unexpended balance of contributions or expenditure deficit.

~~(b) If a candidate wins nomination, supplemental statements under subsection (a) of this section need not be filed with respect to the nomination campaign by the political treasurer of a political committee supporting the candidate or by the political treasurer for such candidate, if such political committee continues to function in support of such candidate in the campaign for the general or special election.~~

~~(c) A political committee which is organized after an election shall file reports required by subsection (a) of this section.~~

(~~d~~2) The political treasurer for a candidate or political committee or measure who was defeated in the ~~primary~~ election and whose ~~post-primary~~ last filed report shows an unexpended balance of contributions or a campaign debt, shall ~~continue to~~ file semi- annual reports until there is no unexpended balance of contributions or no campaign expenditure deficit. A report shall be filed by the tenth day of July for the first six (6) months of the year, and by the tenth day of January for the last six (6) months of the year.

SECTION 7. That Section 67-6610A, Idaho Code, be, and the same is hereby amended to read as follows:

67-6610A. LIMITATIONS ON CONTRIBUTIONS. (1) Except as provided in subsection (2) of this section, aggregate contributions for a primary election or a general election made by a corporation, political committee, other recognized legal entity or an individual ~~, other than the candidate, to a candidate for the state legislature, and political committees organized on the candidate's behalf~~ shall be subject to the limitations of this sub-

section; provided, however, this subsection shall not apply to a candidate contributing or loaning money to his own campaign account.

(a) Aggregate contributions by a corporation, political committee, other recognized legal entity, or individual to a candidate for the state legislature, judicial office, or local government office, and political committees organized on the candidate's behalf, shall be limited to an amount not to exceed one thousand dollars ($1,000) for the primary election and an amount not to exceed one thousand dollars ($1,000) for the general election.

(b) Aggregate contributions for a primary election or a general election by a corporation, political committee, other recognized legal entity or an individual~~, other than the candidate,~~ to a candidate for statewide office and political committees organized on the candidate's behalf shall be limited to an amount not to exceed five thousand dollars ($5,000) for the primary election and an amount not to exceed five thousand dollars ($5,000) for the general election.

(2) Aggregate contributions for a primary election or for a general election made by a county central committee or by the state central committee of the political parties qualified under section 34-501, Idaho Code, to a candidate for the state legislature~~,~~ and political committees organized on the candidate's behalf shall be limited to an amount not to exceed two thousand dollars ($2,000) for the primary election and an amount not to exceed two thousand dollars ($2,000) for the general election. Aggregate contributions for the primary election or the general election by the state central committee of the political parties qualified under section 34-501, Idaho Code, to a candidate for statewide office and political committees organized on the candidate's behalf shall be limited to an amount not to exceed ten thousand dollars ($10,000) for the primary election and an amount not to exceed ten thousand dollars ($10,000) for the general election.

(3) For purposes of this section "statewide office" shall mean an office in state government which shall appear on the primary or general election ballot throughout the state.

(4) Recall and special elections, for purposes of this section, shall be treated the same as general elections for contribution limits.

(5) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. A contribution of this kind shall be reported as an in-kind contribution at its fair market value and counts toward any applicable contribution limit of the contributor. Contributions shall not include the personal services of volunteers.

(6) ~~The contribution limits for the state legislature shall apply to judicial district offices, city offices and county offices regulated by this chapter.~~

~~(7)~~ For the purposes of contribution limits, the following apply:

(a) A contribution by a political committee with funds that have all been contributed by one (1) person who exercises exclusive control over the distribution of the funds of the political committee is a contribution by the controlling person.

(b) All contributions made by a person or political committee whose contribution or expenditure activity is financed, maintained or controlled by a trade association, labor union or collective bargaining organization shall be considered a contribution from such trade association, labor union or collective bargaining organization.

(c) Two (2) or more entities are treated as a single entity if the entities:

(i) Share the majority of members on their board of directors;

(ii) Share two (2) or more officers;

(iii) Are owned or controlled by the same majority shareholder or shareholders or persons;

(iv) Are in a parent-subsidiary relationship; or

(v) Have bylaws so stating.

(~~8~~7) The provisions of this section are hereby declared to be severable and if any provision of this section or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this section.

SECTION 8. That Section 67-6610B, Idaho Code, be, and the same is hereby amended to read as follows:

67-6610B. RETIRING DEBT. (1) If a political committee organized on behalf of a candidate has unpaid debt at the end of the reporting periods specified in section 67-6607~~(a)(2) or 67-6607(a)(6)~~, Idaho Code, then the committee may accept additional contributions to retire such unpaid debt, provided the contributions do not exceed the applicable contribution limits prescribed.

(2) For the purposes of this section "unpaid debt" means any unpaid monetary obligation incurred by the political committee as listed on the reports filed through the postelection report period minus any cash balance reported on the postelection report. Outstanding loans are considered a type of "unpaid debt."

SECTION 9. That Section 67-6615, Idaho Code, be, and the same is hereby amended to read as follows:

67-6615. INSPECTION BY SECRETARY OF STATE AND COUNTY CLERKS. (1) It is the intent of the legislature to consolidate filings for all offices and measures in a central online database established by the secretary of state.

(2) The Secretary of State shall inspect each statement filed ~~in his office under this act~~ pursuant to this chapter for statewide, legislative and judicial district offices or measures, and the county clerk shall inspect each statement filed for all local government offices or measures for which the county is the home county, as defined in section 34-1401, Idaho Code, within two (2) days after the date it is filed. He shall notify a person required to file a statement under this act immediately if:

(a) ~~i~~It appears that the person has failed to file a statement as required by law or that a statement filed by the person does not conform to law; or

(b) ~~a~~A written complaint is filed with the Secretary of State or county clerk by any registered voter alleging that a statement filed with the Secretary of State does not conform to law or to the truth or that a person has failed to file a statement required by law.

SECTION 10. That Section 67-6616, Idaho Code, be, and the same is hereby amended to read as follows:

67-6616. EXAMINATION OF STATEMENTS. Within three (3) months after the date of each election, the Secretary of State shall examine such statement filed ~~with his office under this act~~ pursuant to this chapter for statewide, legislative and judicial district offices or measures, and the county clerk shall inspect each statement filed for all local government offices or measures for which the county is the home county, as defined in section 34-1401, Idaho Code; and referring to the election, ~~to~~ determine whether the statement conforms to law. Such examinations shall include a comparison of reports and statements received by the Secretary of State pursuant to sections 67-6607--67-6609, 67-6611, and 67-6614, Idaho Code. The Secretary of State or county clerk may require any person to answer in writing and under oath or affirmation any question within the knowledge of that person concerning the source of any contribution.

SECTION 11. That Section 67-6623, Idaho Code, be, and the same is hereby amended to read as follows:

67-6623. DUTIES OF SECRETARY OF STATE AND COUNTY CLERKS. (1) The secretary of state and each county clerk is charged with enforcement of the provisions of this act~~, and~~.

(2) ~~i~~In addition to duties otherwise prescribed herein, it shall be ~~his~~ the duty of the secretary of state:

(~~1~~a) To prescribe forms for statements and other information required to be filed by this act, and to furnish such forms and instruction manual to persons required to file such statements and information;

(~~2~~b) To make statements and other information filed with him available for public inspection and copying during regular office hours, and to make copying facilities available at a charge not to exceed actual cost;

(~~3~~c) To preserve such statements and other information for a period of four (4) years from date of receipt;

(~~4~~d) With respect to statewide, legislative and judicial district offices and measures, t~~T~~o make investigations ~~with respect to~~ of statements filed under the provisions of this act, and with respect to alleged failures to file any statement required under the provisions of this act, and upon complaint by any person with respect to alleged violations of any part of this act;

(~~5~~e) To report suspected violations of law to the appropriate law enforcement authorities;

(~~6~~f) To prescribe and publish rules in accordance with the provisions of chapter 52, title 67, Idaho Code, and to take such other actions as may be appropriate to carry out the provisions of this act;

(~~7~~g) To require and prescribe methods for the filing of reports in an ~~electronic format to ensure the prompt filing of reports with county clerks, city clerks and clerks of special districts. The receiving authority may, on an individual basis, grant a hardship waiver and accept a report required by this chapter in another format specified by the secretary of state.~~

~~(8) To require and prescribe methods for the online filing of reports with the secretary of state to ensure prompt publication of reports on the secretary of state's website~~ online database established by the secretary of state's office for the filing and publication of all reports required pursuant to this chapter. The online database shall accommodate the filings of all state and local government candidates, political committees, measures and lobbyists. The online database shall be accessible on the secretary of state's website and be searchable by the public by address, candidate, committee, contribution, contributor, date, expense, office, party, purpose and any other content deemed appropriate by the secretary of state. The secretary of state may, on an individual basis, grant a hardship waiver and accept a report required by this chapter in another format specified by the secretary of state, which will be entered into the online database by the secretary of state within three (3) days of filing.

(3) It shall be the duty of the county clerk with respect to all local government offices or measures for which the county is the home county, as defined in section 34-1401, Idaho Code, to make investigations of statements required to be filed under this chapter, of alleged failures to file any required statement, and of any complaint filed by any person of an alleged violation of any part of this chapter with respect to local government offices or measures in his county. The county clerk shall report any suspected violations of this chapter pertaining to a local government office or measure to the county prosecutor.

SECTION 12. That Section 67-6625A, Idaho Code, be, and the same is hereby amended to read as follows:

67-6625A. LATE FILING OF STATEMENT OR REPORT -- FEES. (1) If any person fails to file a report or statement required under this chapter on or before a specified date, he shall be liable to the secretary of state for deposit in the general fund in ~~an~~ the amount of fifty dollars ($50.00) per day beginning immediately after the deadline until the statement or report is filed~~, to the secretary of state~~. ~~Liability need not be enforced by t~~ The secretary of state ~~if on an impartial basis he determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within five (5) days after receiving written notice of the filing requirement from the secretary of state~~ or the county clerk shall notify the person and his treasurer, if any, that a fine has been assessed and will continue to accrue until the report or statement has been filed. The notification shall be made by telephone or electronic means within twenty-four (24) hours of the missed filing deadline.

(2) The remedy provided in this section is cumulative and does not exclude any other remedy or penalty prescribed in section 67-6625, Idaho Code.

SECTION 13. That Section 67-6626, Idaho Code, be, and the same is hereby amended to read as follows:

67-6626. INJUNCTIONS. The district courts of this state shall have original jurisdiction to issue injunctions to enforce the provisions of this act upon application by any citizen of this state ~~or~~, by the Secretary of State or by the county clerk. The court may in its discretion require the citizen plaintiff to file a written complaint with the Secretary of State or county clerk prior to seeking injunctive relief. A successful plaintiff is entitled to be reimbursed for reasonable costs of litigation, including reasonable attorney's fees by the person or persons named defendant in said injunctive action. A successful defendant is entitled to be reimbursed for reasonable costs of litigation, including reasonable attorney's fees if the court determines that plaintiff's action was without substantial merit.

SECTION 14. That Section 1-2220A, Idaho Code, be, and the same is hereby repealed.

SECTION 15. That Section 31-2012, Idaho Code, be, and the same is hereby repealed.

SECTION 16. That Section 33-503, Idaho Code, be, and the same is hereby amended to read as follows:

33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of school district trustees including those in charter districts shall be on the Tuesday following the first Monday in November in odd-numbered years. Notice and conduct of the election, and the canvassing of the returns shall be as provided in chapter 14, title 34, Idaho Code. In each trustee zone, the person receiving the greatest number of votes cast within his zone shall be declared by the board of trustees as the trustee elected from that person's zone.

(2) If any two (2) or more persons residing in the same trustee zone have an equal number of votes and a greater number than any other nominee residing in that zone, then the board of trustees shall determine the winner by a toss of a coin.

(3) ~~The provisions of sections 67-6601 through 67-6616, Idaho Code, and sections 67-6623 through 67-6630, Idaho Code, shall apply to all elections of school district trustees, except for elections of trustees in a school district that has fewer than five hundred (500) students. Provided however, the county clerk shall stand in place of the secretary of state and the county prosecutor shall stand in place of the attorney general. Any report or filing required to be filed by or for a candidate by such Idaho Code sections shall be filed with the county clerk of the county wherein the district lies or, in the case of a joint district, with the county clerk of the home county as designated pursuant to section 33-304, Idaho Code.~~

~~(4)~~ Incumbent trustees as of the effective date of this act shall have their terms expire on January 1 following the November election of their successors.

SECTION 17. That Section 33-2106, Idaho Code, be, and the same is hereby amended to read as follows:

33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of trustees of each community college district shall consist of five (5) electors who shall reside in a different trustee zone from each other and who shall be appointed or elected as provided in this section.

(a) Immediately following the establishment of a new community college district, the state board of education shall divide the district into five (5) trustee zones, which shall be as nearly equal in population as practicable. If a community college district is situated within two (2) or more counties, and any one (1) of the counties has sufficient population to warrant at least one (1) zone, then the boundaries of a trustee zone shall be located wholly within the boundaries of such county. The state board shall also appoint the members of the first board who shall serve until the election and qualification of their successors.

(b) At the first election of trustees after the creation of a district, five (5) trustees shall be elected: two (2) for terms of two (2) years each, and three (3) for terms of four (4) years each. Thereafter the successors of persons so elected shall be elected for terms of four (4) years.

(c) Excluding any first election of trustees after the creation of a district, at any other election of trustees held in 2008, and in each trustee election thereafter, trustees shall be elected to terms of four (4) years. If more than two (2) trustee positions are eligible for election in 2008, one (1) trustee shall be elected to a term of four (4) years and two (2) trustees shall be elected to a term of six (6) years. Thereafter the successors of persons so elected in 2008 shall be elected for terms of four (4) years.

(d) The expiration of any term shall be at the regular meeting of the trustees next following the election for the successor terms.

(2) Elections of trustees of community college districts shall be biennially, in even-numbered years, and shall be held on a date authorized in section 34-106, Idaho Code. Vacancies on the board of trustees shall be filled by appointment by the remaining members, but if by reason of vacancies there remain on the board less than a majority of the required number of members, appointment to fill such vacancies shall be made by the state board of education. Any person so appointed must reside in the trustee zone where the vacancy occurs and shall serve until the next trustee election, at which time his successor shall be elected for the unexpired term. The trustees shall take and subscribe the oath of office required in the case of state officers and said oath shall be filed with the secretary of state.

(3) Notice of the election, the conduct thereof, the qualification of electors and the canvass of returns shall be as prescribed in chapter 14, title 34, Idaho Code.

(4) All eligible electors within a community college district may vote for candidates in each and every zone. An individual who is a candidate for a specific zone of the community college district must reside in that same specific zone, and the candidate in each zone receiving the largest number of votes from the district shall be declared elected. An individual shall be a candidate for a specific position of the board and each candidate must declare which position he seeks on the board of trustees. If it be necessary to resolve a tie between two (2) or more persons, the board of trustees shall determine by lot which thereof shall be declared elected. The clerk of the board shall promptly notify any person by mail of his election, enclosing a form of oath to be subscribed by him as herein provided.

(5) When elections held pursuant to this section coincide with other elections held by the state of Idaho or any subdivision thereof, or any municipality or school district, the board of trustees may make agreement with the body holding such election for joint boards of election and the payment of fees and expenses of such boards of election on such proportionate basis as may be agreed upon.

(6) At its first meeting following the appointment of the first board of trustees, and at the first regular meeting following any community college trustee election, the board shall organize, and shall elect one (1) of its members chairman, one (1) a vice-chairman; and shall elect a secretary and a treasurer, who may be members of the board; or one (1) person to serve as secretary and treasurer, who may be a member of the board.

(7) ~~The provisions of sections 67-6601 through 67-6616, Idaho Code, and sections 67-6623 through 67-6630, Idaho Code, are hereby made applicable to all community college trustee elections. Provided however, that the county clerk shall stand in place of the secretary of state and the county prosecutor shall stand in place of the attorney general. Any report or filing required to be filed by or for a candidate by such sections of Idaho Code shall be filed with the county clerk of the county where such candidate resides.~~

~~(8)~~ The board shall set a given day of a given week in each month as its regular meeting time. Three (3) members of the board shall constitute a quorum for the transaction of official business.

(~~9~~8) The authority of trustees of community college districts shall be limited in the manner prescribed in section 33-507, Idaho Code.

(~~10~~9) Any decision of the state board of education issued pursuant to chapter 21, title 33, Idaho Code, may be appealed to the district court of any county in which the district or proposed district lies or shall lie. The pleadings and other papers shall be filed not more than sixty (60) days after notice of the order appealed and service of two (2) copies thereof shall be made upon the state board of education.

SECTION 18. That Section 40-1417, Idaho Code, be, and the same is hereby repealed.

SECTION 19. That Section 50-420, Idaho Code, be, and the same is hereby repealed.

SECTION 20. That Section 67-4931, Idaho Code, be, and the same is hereby repealed.

DRAFT

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LEGISLATURE OF THE STATE OF IDAHO

Sixty-fifth Legislature First Regular Session - 2019

This bill draft contains confidential and privileged information exempt from disclosure under Section 74-109(1), Idaho Code. If you have received this message by mistake, please notify us immediately by replying to this message or telephoning the Legislative Services Office at (208) 334-2475.

AN ACT

RELATING TO CAMPAIGN FINANCE; AMENDING SECTION 67-6602, IDAHO CODE, TO REVISE AND PROVIDE DEFINITIONS; AMENDING SECTION 67-6611, IDAHO CODE, TO REVISE THE FILING DEADLINES FOR REPORTING INDEPENDENT EXPENDITURES AND TO REQUIRE CERTAIN DISCLOSURES; AND AMENDING SECTION 67-6628, IDAHO CODE, TO REVISE THE FILING DEADLINES FOR REPORTING ELECTIONEERING COMMUNICATIONS, TO REQUIRE CERTAIN DISCLOSURES, AND TO REQUIRE A LEGIBLE AUTHORITY LINE IN ELECTIONEERING COMMUNICATIONS.

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

SECTION 1. That Section 67-6602, Idaho Code, be, and the same is hereby amended to read as follows:

67-6602. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

(~~a~~1) "Candidate" means an individual who ~~has taken affirmative action to seek nomination or election to public office. An individual shall be deemed to have taken affirmative action to seek such nomination or election to public office when he first:~~

~~(1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or~~

~~(2) Announces publicly or files for office~~

seeks nomination, election or reelection to public office and who has taken any of the following actions:

(a) Announced his or her candidacy publicly;

(b) Filed for public office;

(c) Received a contribution for the purpose of promoting his or her candidacy for office; or

(d) Made an expenditure, contracted for services or reserved space with the intent of promoting his or her candidacy for office.

~~(3)~~ For purposes of this chapter, an incumbent shall be presumed to be a candidate in the subsequent election for his or her office~~. Contributions received by an incumbent candidate shall not be in excess of the prescribed contribution limits for the subsequent election by which the incumbent candidate's name would first appear on the ballot. An incumbent shall no longer be a candidate for his or her office after the deadline for the filing of a declaration of candidacy to first appear on the ballot for that office has expired~~, until he or she has failed to file a declaration of candidacy by the statutory deadline.

(~~b~~2) "Compensation" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to do any of the foregoing, for services rendered or to be rendered, but does not include reim-

bursement of expenses if such reimbursement does not exceed the amount actually expended for such expenses and is substantiated by an itemization of such expenses.

(~~e~~3) "Contribution" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, subscription or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution, in support of or in opposition to any candidate, political committee or measure. Such term also includes personal funds or other property of a candidate or members of his household expended or transferred to cover expenditures incurred in support of such candidate but does not include personal funds used to pay the candidate filing fee. Such term also includes the rendering of personal and professional services for less than full consideration, but does not include ordinary home hospitality or the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers or advisors or incidental expenses not in excess of twenty-five dollars ($25.00) personally paid for by any volunteer campaign worker. "Part-time" services, for the purposes of this definition, means services in addition to regular full-time employment, or, in the case of an unemployed person or persons engaged in part-time employment, services rendered without compensation or reimbursement of expenses from any source other than the candidate or political committee for whom such services are rendered. For the purposes of this act, contributions, other than money or its equivalent shall be deemed to have a money value equivalent to the fair market value of the contribution.

(~~d~~4) "Election" means any state or local general, special, recall or primary election.

(~~e~~5) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a measure.

(~~f~~6) (~~1~~a) "Electioneering communication" means any paid communication to members of the public that include voters or potential voters for public office or a ballot measure, that takes place between 5:00 p.m. on the candidate filing deadline set forth in section 34-704, Idaho Code, and midnight on the date of the general election, and that unambiguously refers to a specific candidate or measure to be on the ballot. An electioneering communication expenditure is made when any portion of the communication reaches members of the public who are voters or potential voters. An electioneering communication includes, but is not limited to, a message broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, ~~or telephone calls~~ made by telephone to personal residences or cellular numbers, sent by electronic mail or messaging, or ~~otherwise distributed that:~~ advertised on the internet or through social media

~~(i) Unambiguously refers to any candidate; and~~

~~(ii) Is broadcasted, printed, mailed, delivered, made or distributed within thirty (30) days before a primary election or sixty (60) days before a general election; and~~

~~(iii) Is broadcasted to, printed in a newspaper, distributed to, mailed to or delivered by hand to, telephone calls made to, or~~

~~otherwise distributed to an audience that includes members of the electorate for such public office~~

.

(~~2~~b) "Electioneering communication" does not include:

(i) Any news articles, editorial endorsements, opinion or commentary, writings, or letter to the editor printed in a newspaper, magazine, or other periodical not owned or controlled by a candidate, political committee, or political party;

(ii) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate, political committee, or political party;

(iii) Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

(iv) Any communication which refers to any candidate only as part of the popular name of a bill or statute;

(v) A communication which constitutes an expenditure or an independent expenditure under this chapter.

(~~g~~7) "Executive official" means:

(~~1~~a) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general, superintendent of public instruction and any deputy or staff member of one (1) of those individuals who, within the course and scope of his or her employment, is directly involved in major policy influencing decisions for the office;

(~~2~~b) A state department or agency director, deputy director, division administrator or bureau chief as established and enumerated in sections 67-2402 and 67-2406, Idaho Code;

(~~3~~c) The membership and the executive or chief administrative officer of any board or commission that is authorized to make rules or conduct rulemaking activities pursuant to section 67-5201, Idaho Code;

(~~4~~d) The membership and the executive or chief administrative officer of any board or commission that governs any of the state departments enumerated in section 67-2402, Idaho Code, not including public school districts;

(~~5~~e) The membership and the executive or chief administrative officer of the Idaho public utilities commission, the Idaho industrial commission, and the Idaho state tax commission; and

(~~6~~f) The members of the governing board of the state insurance fund, and the members of the governing board and the executive or chief administrative officer of the Idaho housing and finance association, the Idaho energy resources authority, and the Idaho state building authority.

(~~h~~8) "Expenditure" includes any payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

(~~i~~9) "Independent expenditure" means any expenditure by a person for a communication expressly advocating the election, passage or defeat of a clearly identified candidate or measure that is not made with the coordination of a candidate or any agent, paid or unpaid, of the candidate, or with the political committee supporting or opposing a measure. The term coordination means with the cooperation or with the prior consent of, or in consultation with, ~~or at the consent of, or in consultation with,~~ or at the request ~~of~~ or a suggestion of, or in concert with a candidate or any agent or authorized committee of the candidate or political committee supporting or opposing a measure. As used in this subsection, "expressly advocating" means any communication containing a message advocating election, passage or defeat including, but not limited to, the name of the candidate or measure, or expression such as "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat" or "reject." An expenditure shall constitute an expenditure in coordination with a candidate or political committee and shall not constitute an independent expenditure where:

(a) There is any arrangement, coordination or direction with respect to the expenditure between the candidate or candidate's agent, or the political committee's agents, and the person, including any officer, director, employee or agent of the person, making the expenditure;

(b) The person making the expenditure or any of its agents has advised or counseled the candidate or political committee or their agents on the candidate or political committee's plans, projects, or needs relating to the candidate or political committee's pursuit of nomination or election, in the same election period, including any advice relating to the candidate's decision to seek office or the political committee's decision to support or oppose the ballot measure; or

(c) The expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or his agents, or by the agents of the political committee, about the candidate or political committee's plans, projects or needs; provided that the candidate or his agent or the political committee's agent is aware that the other person has made or is planning to make expenditures advocating the candidate's election or the ballot measure's passage.

(~~j~~10) "Lobby" and "lobbying" each means attempting through contacts with, or causing others to make contact with, members of the legislature or legislative committees or an executive official, to influence the approval, modification or rejection of any legislation by the legislature of the state of Idaho or any committee thereof or by the governor or to develop or maintain relationships with, promote goodwill with, or entertain members of the legislature or executive officials. "Lobby" and "lobbying" shall also mean communicating with an executive official for the purpose of influencing the consideration, amendment, adoption or rejection of any rule or rulemaking as defined in section 67-5201, Idaho Code, or any ratemaking decision, procurement, contract, bid or bid process, financial services agreement, or bond issue. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization; and provided that neither "lobby" nor "lobbying" includes communicating with an executive official for the purpose of carrying out ongoing negotiations following the award of a bid or a contract, communica-

tions involving ongoing legal work and negotiations conducted by and with attorneys for executive agencies, interactions between parties in litigation or other contested matters, or communications among and between members of the legislature and executive officials and their employees, or by state employees while acting in their official capacity or within the course and scope of their employment.

(~~k~~11) "Lobbyist" includes any person who lobbies.

(~~l~~12) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed, directly or indirectly, and all persons by whom he is compensated for acting as a lobbyist.

(~~m~~13) "Local government office" means any publicly elected office for any political subdivision of the state or special district that is not a legislative, judicial, statewide or federal office.

(14) "Measure" means any proposal~~, to be voted statewide,~~ submitted to the people for their approval or rejection at an election, including any initiative, referendum, recall election ~~for statewide or legislative district offices,~~ or revision of or amendment to the state constitution. An initiative or referendum proposal shall be deemed a measure when the attorney general, county prosecutor or city attorney, as appropriate, reviews it and gives it a ballot title. A recall shall be deemed a measure upon approval of the recall petition as to form pursuant to section 34-1704, Idaho Code.

(~~n~~15) "Nonbusiness entity" means any group of two (2) or more individuals, corporation, association, firm, partnership, committee, club or other organization which:

(~~1~~a) Does not have as its principal purpose the conduct of business activities for profit; and

(~~2~~b) Received during the preceding or current calendar year contributions, gifts or membership fees, which in the aggregate exceeded ten percent (10%) of its total receipts for such year.

(~~o~~16) "Person" means an individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of persons.

(~~p~~17) "Political committee" means:

(~~1~~a) Any person specifically designated to support or oppose any candidate or measure; or

(~~2~~b) Any person who receives contributions and makes expenditures in an amount exceeding five hundred dollars ($500) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures. Any entity registered with the federal election commission shall not be considered a political committee for purposes of this chapter.

(~~3~~c) A county, district or regional committee of a recognized political party shall not be considered a political committee for the purposes of this chapter unless such party committee has expenditures exceeding five thousand dollars ($5,000) in a calendar year.

(~~q~~18) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.

(~~r~~19) "Public office" means any state office or position, state senator, state representative, and judge of the district court that is filled by election.

(20) "Social media" means forms of electronic communication, including websites, applications or software for social networking or blogging, through which users create a personal profile and participate in online communities to share information, ideas, and other content.

SECTION 2. That Section 67-6611, Idaho Code, be, and the same is hereby amended to read as follows:

67-6611. INDEPENDENT EXPENDITURES. (1) Each person who makes independent expenditures in an aggregate amount exceeding one ~~hundred~~ thousand dollars ($~~100~~1,000) in support of or in opposition to any one (1) candidate, political committee or measure, shall file a statement of the expenditure with the secretary of state.

(2) Statements shall be filed with the secretary of state~~, not less than seven (7) days prior to the primary and general election and thirty (30) days after the primary and general election~~ by the tenth day of the month following the month during which an expenditure was made.

(3) The statement shall contain the following information:

(a) the name and address of any person to whom an expenditure in excess of fifty dollars ($50.00) has been made by any such person in support of or in opposition to any such candidate or issue during the reporting period, together with the amount, date and purpose of each such expenditure; ~~and~~

(b) the total sum of all expenditures made in support of or in opposition to any such candidate or measure; and

(c) the identification of each person who made an aggregate donation of two hundred fifty dollars ($250) or more to the person making the independent expenditure during the calendar year in which the expenditure was made to date, together with the date and amount of each donation.

(4) In addition to the requirements ~~set forth in subsections (1) and (2)~~ of this section, each person who makes independent expenditures in an aggregate amount of one thousand dollars ($1,000) or more ~~after the sixteenth day before, but more than forty-eight (48) hours before, any primary or general election,~~ shall file a written statement of the expenditure with the secretary of state not more than forty-eight (48) hours from the time of such expenditure. The statement shall include the information required in subsection (3) of this section.

SECTION 3. That Section 67-6628, Idaho Code, be, and the same is hereby amended to read as follows:

67-6628. ELECTIONEERING COMMUNICATIONS -- STATEMENTS. (1) Any person who ~~conducts or transmits any~~ incurs costs in an aggregate amount exceeding one thousand dollars ($1,000) when making an electioneering communication shall be required to file a statement ~~on a form provided by~~ with the secretary of state. Contents of the statement shall include the amount spent on such communications, the name and address of the person, and the names and addresses of any persons who ~~contribute~~ donate an aggregate amount of two hundred fifty dollars ($250.00) or more to any person ~~described in~~ reporting under this section during the calendar year in which the communication is

made to date, together with the date and amount of each donation. The statement shall be filed by the tenth day of the month following the month during which the expenditure was made.

(2) ~~Any person that incurs costs in excess of one hundred dollars ($100) when making an electioneering communication shall file a statement in accordance with the time limits established by section 67-6611(2), Idaho Code.~~

~~(3)~~ In addition to the requirements of subsection (~~2~~1) of this section, any person that incurs costs in an aggregate amount of one thousand dollars ($1,000) or more when making an electioneering communication shall file a statement as provided in subsection (1) of this section within forty-eight (48) hours of incurring the costs for such communication.

(3) Every electioneering communication shall contain an authority line that states the name of the person responsible for the communication.

(4) All information required by this section to be on an electioneering communication shall appear in a font size and type that is plainly legible.

LEGISLATIVE COUNCIL UPDATE

State Employee Group Insurance & Benefits
Legislative Interim Committee
HCR 41 (2018)

Members of the Committee:

Senator Todd Lakey, Co-Chair	Representative Fred Wood, Co-Chair
Senator Dan Johnson	Representative Neil Anderson
Senator Robert Nonini	Representative Robert Anderst
Senator Jim Patrick	Representative Jason Monks
Senator Mark Nye	Representative John Gannon

Staff: Kristin Ford, Robyn Lockett, Ana Lara

Summary of Committee Action:

The full State Employee Group Insurance & Benefits Legislative Interim Committee met on March 22 and June 21, 2018, and will be holding a final meeting on November 9, 2018.

As you may remember, this was the third year for this committee, which has been studying ways to reduce skyrocketing costs of state employee health insurance while at the same time maintaining or improving the quality of the employee health care plan. Last session, this Committee, with the professional assistance of a contractor experienced in the health care plan field, recommended that the Department of Administration issue a Request for Proposals, with the assistance of the Committee's contractor, to health care vendors in 2018, with particular types of plans to be included. The Committee's recommendations were adopted and included as legislative intent language in the appropriation bill for the Department of Administration, HB 715. HB715 was signed by the Governor on March 27, 2018.

It was therefore the expectation of the Committee to receive periodic updates from the Department of Administration and the Committee's consultant on the issuance of the RFP and to be able to learn what health plans various vendors would offer to provide state employees and at what price. This did not occur. Three months after the Governor signed HB 715, the Committee members met on June 21, 2018, and were presented with a letter from the Governor's staff indicating their intent to direct the Department of Administration to not follow the legislative intent language but to instead issue a much broader Request for Information to vendors about what sort of plans they generally have, rather than requiring information and prices specific to the Idaho state employee situation. At the meeting, the Director of the Department of Administration confirmed their intention to follow the Governor's plan instead of the Committee's plan. The cochairs and staff for the Committee continued to meet with representatives from the Department of Administration for the next six weeks on an almost weekly basis in an attempt to achieve a compromise but this effort was abruptly ended at a meeting on August 8, 2018, when a member

of the Governor's staff indicated that nothing less than strict adherence to the plan outlined in their June 20, 2018, letter would be considered by the executive branch.

The cochairs of the Committee directed the consultant to proceed on its own with the development of points and topics that should be incorporated in a future RFP. The full committee will meet for a third time on the afternoon of November 9, 2018, and will go into executive session so the consultant can go over the elements that should be incorporated in a future RFP.

C.L. "BUTCH" OTTER
GOVERNOR

June 20, 2018

State Employee Group Insurance and Benefits Committee
Idaho Legislature
P.O. Box 83720
Boise, ID 83720-0054

RE: Status of Proposed RFP for Employee Group Insurance and Benefits

Intent language contained in HB 715 suggests that the director of the Department of Administration (DOA) move immediately to issue a Request for Proposals (RFP) to identify a new provider(s) for state employees' healthcare benefits. The Governor has outlined his suggested path forward below. Governor Otter believes this approach achieves the spirit of the intent language, which is to provide employees the best health care at the most competitive prices.

1. DOA would complete a Request for Information (RFI) by November 1, 2018, to identify the offerings to pursue in a follow-on RFP;
2. DOA would brief the governor-elect on the findings and determine timing for an RFP;
3. DOA would discuss its findings with the Legislature – germane committees – and draft an RFP for tentative release in March 2019;
4. A final decision would be made by June 2019 consistent with HB 715;
5. DOA would develop an implementation plan for open enrollment in 2020 with new plan coverage effective July 1, 2020.

Developing a new provider contract and a transition plan will be a complex undertaking. If new or significantly different insurance and benefits plans are selected, time must be allowed to adequately communicate to state employees, allow employees time to consider their individual determinations, and time for the Department of Administration to enroll the nearly 47,000 individuals covered by state insurance and benefits plans. In addition, there are programming requirements at the Controller's office, Affordable Care Act notice requirements, and new enrollment documentation that must be developed prior to an open enrollment period.

I implore you to involve and inform state employees as you move forward to ensure that this will be an inclusive and transparent process.

Sincerely,

David Hensley
Chief of Staff

STATE CAPITOL • BOISE, IDAHO 83720 • (208) 334-2100

LEGISLATURE OF THE STATE OF IDAHO

Sixty-fourth Legislature Second Regular Session - 2018

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 715

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2019; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2019; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR A DEDICATED FUND CASH TRANSFER; PROVIDING FOR A GENERAL FUND CASH TRANSFER; DIRECTING INSURANCE PREMIUM HOLIDAYS FOR STATE AGENCIES AND STATE EMPLOYEES; DIRECTING THE ISSUANCE OF A REQUEST FOR PROPOSALS; AND DECLARING AN EMERGENCY.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General Fund	$170,000	$177,700		$347,700
Permanent Building Fund	141,600	100		141,700
Administration and Accounting Services Fund	564,800	111,500		676,300
Federal Surplus Property Revolving Fund	19,200			19,200
Employee Group Insurance Fund	71,400	100		71,500
Retained Risk Fund	51,600			51,600
Administrative Code Fund	17,800			17,800
Industrial Special Indemnity Fund	23,400	0		23,400
TOTAL	$1,059,800	$289,400		$1,349,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
II. ADMINISTRATIVE RULES:				
FROM:				
Administrative Code Fund	$261,100	$185,500		$446,600
III. PUBLIC WORKS:				
FROM:				
General Fund		$1,293,100		$1,293,100
Permanent Building Fund	$2,176,900	453,600	$64,700	2,695,200
Administration and Accounting Services Fund	1,823,300	10,296,300	0	12,119,600
TOTAL	$4,000,200	$12,043,000	$64,700	$16,107,900
IV. PURCHASING:				
FROM:				
General Fund	$612,100			$612,100
Administration and Accounting Services Fund	1,362,300	$1,056,600		2,418,900
Federal Surplus Property Revolving Fund	184,000	428,900		612,900
TOTAL	$2,158,400	$1,485,500		$3,643,900
V. INSURANCE MANAGEMENT:				
FROM:				
Employee Group Insurance Fund	$425,300	$421,800		$847,100
Retained Risk Fund	582,600	220,500	$200,000	1,003,100
Industrial Special Indemnity Fund	192,200	108,200	0	300,400
TOTAL	$1,200,100	$750,500	$200,000	$2,150,600
GRAND TOTAL	$8,679,600	$14,753,900	$264,700	$23,698,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred thirteen (113.00) full-time equivalent positions at any point during the period July 1, 2018, through June 30, 2019, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer $1,737,500 from the Permanent Building Fund to the Administrative and Accounting Services Fund on July 1, 2018, or as soon thereafter as practicable, for the Public Officials' Capitol Mall Facilities payment in the Division of Public Works due in fiscal year 2019.

SECTION 4. CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer $13,140,000 from the continuously appropriated Group Insurance Account in the Department of Administration to the General Fund on July 1, 2018, or as soon thereafter as practicable.

SECTION 5. PREMIUM HOLIDAYS. The director of the Department of Administration shall use excess reserves in the continuously appropriated Group Insurance Account in the Department of Administration in fiscal year 2019 for two (2) premium holidays for agencies and two (2) premium holidays for the employees. The Office of Group Insurance shall maintain the current health insurance program structure and benefit package for state employees and shall maintain the employer and employee cost-sharing split recommended by the Governor and the Legislature's Joint Change in Employee Compensation Committee for fiscal year 2019.

SECTION 6. REQUEST FOR PROPOSALS. Notwithstanding any other provision of law to the contrary, it is the intent of the Legislature that, upon passage and approval of this act, and through June 30, 2019, the Department of Administration develop a request for proposals (RFP) for the selection of one (1) or more administrators, including, but not limited to, carriers, third-party administrators (TPAs), and/or vendors, to administer an array of employee health care benefit plans that begin on July 1, 2019, with the goal of reducing long-term costs of health care and providing an enhanced insurance program for state employees and their families, as follows:

(1) The RFP shall be issued in conformance with the recommendations in the Final Report of the 2017 State Employee Group Insurance and Benefits Legislative Interim Committee (Final Report) and shall consider, but not be limited to, the following:

(a) Proposals to use the current hybrid fully insured model or a self-funded model, or both;

(b) Proposals to use as many elements of value-based care and other Final Report recommendations as possible;

(c) Proposals that provide administrators with any one or any combination of the recommended programs in the Final Report;

(d) Proposals shall not be limited to statewide proposals but, instead, may include those that offer regional plan arrangements and/or other plan arrangements;

(e) Proposals that are based on the use of a self-funded model should include an analysis of Chapter 40, Title 41, Idaho Code, and a recommendation as to whether the state should exempt itself from the chapter, as the state exempted all counties in 2001, considering costs, flexibility, potential liability, implementation, and other relevant factors.

(2) The Legislature, or a committee or working group thereof, may review the results and award of the RFP for compliance, fairness, and thoroughness or in any other manner it deems fit. Based upon that review, the Legislature, or a committee or working group thereof, shall make its recommendations to the Joint Finance-Appropriations Committee and the Idaho Legislature during the First Regular Session of the Sixty-fifth Idaho Legislature.

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

LEGISLATIVE COUNCIL UPDATE

Natural Resources
Legislative Interim Committee
SCR 114 (2017)

Members of the Committee:

Senator Bair, Co-Chair
Senator Siddoway
Senator Heider
Senator Brackett
Senator Stennett
Senator Keough – Ad Hoc
Senator Patrick – Ad Hoc
Senator Jordan – Ad Hoc

Representative Gibbs, Co-Chair
Representative Bedke
Representative Moyle
Representative Gestrin
Representative Rubel
Representative Shepherd – Ad Hoc

Staff: Katharine Gerrity, Rob Sepich, Jennifer Kish

Summary of Committee Action:

The Natural Resources Interim Committee is a two-year committee established by SCR 114 in 2017. Since our last report to the council in 2017, the committee met on June 6, 2018 and October 12, 2018.

The purpose of the meeting in June was to review some proposed legislation (please see attached) regarding storage water issues and to determine whether a request should be made to the Governor to consider calling a special session to further proceedings on the proposed legislation.

Various presentations were made beginning with an overview of the Snake River system and the use of its nine reservoirs for water collection, release for flood control and irrigation needs as a backdrop to reviewing the Boise River system, with its three reservoirs, given the increasing needs and demands in the Boise River system. The priority of whose water is released and refilled from the Boise River system when control is necessary was the primary focus of discussion.

Three major uses that would influence available water in the future for refill rights include: the removal of water from the Boise system for the purpose of putting it in another basin; increasing designated recharge projects, both of which are already addressed in the Idaho Code; and creating new storage or increasing the volume of existing storage. Those involved in litigation and discussions about refill and the Boise River reached a consensus that the Idaho Code does not set forth clear language to provide a carve-out for new storage in the face of refill water rights. The intent of the draft legislation was to provide that large new storage projects will not come ahead of the refilling of the existing reservoir system.

A motion was made and seconded that the committee vote, in a nonbinding manner in the event of a special session, to support the concepts set forth in the draft legislation and support the Co-chairs submitting a letter to the Governor requesting a special session. Subsequently, an agreement was reached between water users and water managers on prioritizing water rights from the Boise River reservoirs, eliminating the need for a special session.

During the October 12 meeting, the committee received a summary review of the Basin 63 fill/refill matter, which was the subject of the June meeting, from Mr. Paul Arrington, Executive Director and General Counsel, Idaho Water Users Association.

Director Gary Spackman, Idaho Department of Water Resources, addressed federal stockwater rights activities in response to legislation enacted in 2018 (SB 1101 and HB 718). In 2007 the Supreme Court, in *Joyce Livestock Company v. United States*, held that the federal government could not perfect a water right for watering stock unless it owned the livestock. Stockwater rights acquired in a manner contrary to the decision are subject to forfeiture. The director noted that the legislation provided that he compile a list of all rights held by federal agencies. The department has completed the list and submitted it to the Governor's office for further direction associated with submission of orders to show cause to the various federal agencies. The director also updated the members on 2018 irrigation season curtailments of ground water diversions from the ESPA for failure to install measuring devices.

Various personnel from the Department of Water Resources and Water Resource Board also provided updates on the National Flood Insurance Program, ESPA recharge efforts and aquifer conditions.

Representatives from the Idaho Ground Water Appropriators, Surface Water Coalition, Coalition of Idaho Cities, and the Department of Water Resources reported on the settlement agreement between ESPA cities, the Surface Water Coalition, and the Groundwater Users.

Representatives from the Idaho Department of Lands provided updates on oil and gas matters in the state as well as findings of a Land Board audit.

The committee also heard from the Department of Water Resources, Water Resource Board, and Idaho Water Users Association regarding the Idaho large water infrastructure work group and water project funding.

Remarks associated with the Columbia River Treaty were provided by Mr. Jim Yost, Chairman, Northwest Power and Conservation Counsel. The Idaho Water Users Association and Idaho Department of Fish and Game addressed the committee in regard to the Columbia Basin Partnership.

The final presentation of the day came from Idaho Fish and Game, addressing rulemaking associated with chronic wasting disease, financial outcomes stemming from HB 230 (2017) relating to fee revisions, and access enhancement. Fish and Game also provided a Grizzly Bear status update.

DRAFT

DRKAG217

LEGISLATURE OF THE STATE OF IDAHO

Sixty-fourth Legislature Second Regular Session - 2018

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO WATER; AMENDING CHAPTER 1, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-115, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL SUBORDINATE PERMITS AND LICENSES FOR CERTAIN PROJECTS ISSUED AFTER A SPECIFIED DATE TO THE CAPTURE AND RETENTION OF WATER IN EXISTING ON-STREAM STORAGE RESERVOIRS DURING AND FOLLOWING FLOOD CONTROL OPERATIONS UNTIL THE DATE OF ALLOCATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 1, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-115, Idaho Code, and to read as follows:

42-115. STORAGE. To ensure that new or proposed projects to store more than one thousand (1,000) acre feet of surface water do not interfere with the storage of water in existing on-stream storage reservoirs operated for storage and flood control purposes, the director of the department of water resources shall subordinate permits and licenses for projects to store more than one thousand (1,000) acre feet of surface water issued after the effective date of this section to the capture and retention of water in existing on-stream storage reservoirs during and following flood control operations until the date of allocation.

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

LEGISLATIVE COUNCIL UPDATE

Commercial Vehicle Annual Registration Fee
Legislative Interim Committee
SCR 134 (2018)

Members of the Committee:

Senator Brackett, Co-Chair	Representative Palmer, Co-Chair
Senator Winder	Representative Monks
Senator Anthon	Representative Kauffman
Senator Crabtree	Representative Shepherd
Senator Nye	Representative Toone

Staff: Katharine Gerrity, Christine Otto, Jennifer Kish

Summary of Committee Action:

The Commercial Vehicle Annual Registration Fee Committee established by SCR 134 during the 2018 legislative session, conducted an organizational meeting on March 27, 2018. No further meetings have been held.

LEGISLATIVE COUNCIL UPDATE

Idaho Council on Indian Affairs
Legislative Interim Committee
I.C. 67-4004 (H 155 - 1999)

Members of the Committee:

Senator Jim Guthrie, Chair
Representative Neil A. Anderson
Senator Cherie Buckner-Webb
Representative Margaret R. Gannon
Pete Katsilometes, Office of the Governor

Gary Aitken, Jr., Kootenai Tribe, Vice-Chair
Ernest "Ernie" Stensgar, Coeur d'Alene Tribe
Shannon Wheeler, Nez Perce Tribe
Nathan Small, Shoshone-Bannock Tribes
Theodore "Ted" Howard, Shoshone-Paiute Tribes

Staff: Matt Drake, Ana Lara

Summary of Committee Action:

Council Background

The Council on Indian Affairs was established in 1999 under Idaho Code § 67-4004. Membership consists of four legislators (two from the Senate and two from the House), one representative from the Governor's Office, and one representative from each of the five tribes. The council is charged with advising the Governor, the Legislature, and state agencies about state and tribal affairs. By law, the council is required to meet at least twice a year to discuss state policies and matters affecting the tribes. In 2018, the council held meetings in Boise on March 16th and October 11th.

Retrocession of Jurisdiction under Public Law 280

The potential retrocession of jurisdiction under Public Law 280 remains a key topic facing the council. By way of background, in 1963, acting under Public Law 280, Idaho assumed jurisdiction from the federal government as to seven types of matters involving Indians as established in 67-5101, Idaho Code. Subsequently, the 1968 Civil Rights Act enabled states that had assumed Public Law 280 to offer the return of all or part of the jurisdiction previously assumed back to the federal government. The Office of Performance Evaluations (OPE) conducted an extensive study of this issue in 2017. That study remains a valuable resource regarding this complex subject. OPE's report highlights are attached.

The Shoshone-Bannock Tribes seek to retrocede 5 of the 7 areas of subject matter over which the State of Idaho currently has jurisdiction. This topic resulted in Senate Bill 1320 of 2018, attached. This legislation would have provided a process for Indian tribes, in coordination with the Governor's Office, to make an application to the federal government for retrocession. Under the legislation, such application would not require consensus among tribes, nor would it require that a

tribe make an application to retrocede all areas of law under concurrent jurisdiction. As Senate Bill 1320 did not pass in 2018, it is expected that this topic will arise again during the 2019 legislative session.

Dental Health Aid Therapy (DHAT) Program

The Indian Health Care Improvement Act, as enacted by the Affordable Care Act, authorizes DHAT. Tribes are only able to take advantage of this program if it is specifically authorized by the state through legislation. The Coeur d'Alene Tribe visited Alaska over the summer, where DHAT services have been authorized. Arizona recently enacted a law regarding the DHAT and it is anticipated that similar legislation could be requested in Idaho during the 2019 legislative session.

Other Topics

The committee heard updates about the federal Families First program, a reform of the child welfare system; testimony regarding tribes' significant mental health program needs, particularly with respect to suicide prevention; learned about challenges faced by the Lapwai Community Coalition regarding grant funds for a Wellbriety program designed to help tribal members recover from addictions; received a statement of tribal support from the Idaho National Guard; learned about how the military's Rebuild America program could benefit tribes while assisting with military readiness; discussed placement of tribal flags in the state capitol building; and visited the newly renovated Idaho State Museum to celebrate its opening.

State Jurisdiction in Indian Country

Report highlights

March 2017

Shared jurisdiction complicates interactions and relationships among stakeholders working in Indian country. Retrocession is a complex issue with implications for public safety and intergovernmental cooperation.

Public Law 280 allows states to assume jurisdiction on reservations.

In Idaho

5 Tribes are affected by the state's jurisdiction.

- Coeur d'Alene Tribe
- Kootenai Tribe of Idaho
- Nez Perce Tribe
- Shoshone-Bannock Tribes
- Shoshone-Paiute Tribes

13 Counties include reservations within their borders. They do not uniformly implement state responsibilities.

Nationally

12 States initially assumed jurisdiction (6 were mandated by law).

7 States have retroceded some or all of their jurisdiction to the federal government, including neighboring states:

Montana	Nevada
Oregon	Washington

Findings

Most of Idaho's obligations to Indians on reservations are not related to Public Law 280.

Public Law 280 expands state criminal jurisdiction and civil responsibilities for child welfare, child support, and involuntary commitments for mental illness.

Public Law 280 does not affect tribal or federal jurisdiction in Idaho.

A lack of federal action, limited jurisdiction to enforce laws, and coordination challenges caused by shared jurisdiction contribute to gaps in law enforcement.

A lack of recognition of tribal court judgments and limited court sentences creates the potential for Indians to receive different outcomes in different legal systems.

Recommendations

Consider investing in forums for intergovernmental cooperation

Consider granting limited state authority to tribal officers

Consider facilitating state court recognition of tribal court orders for involuntary commitment

Consider funding options to tribal or local law enforcement

We identified several factors to consider should the Legislature decide to pursue retrocession.

Office of Performance Evaluations ope Idaho Legislature

View the report:
www.legislature.idaho.gov/ope/

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature Second Regular Session - 2018

IN THE SENATE

SENATE BILL NO. 1320

BY JUDICIARY AND RULES COMMITTEE

AN ACT
RELATING TO JURISDICTION IN INDIAN COUNTRY; AMENDING CHAPTER 51, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5104, IDAHO CODE, TO PROVIDE FOR RETROCESSION OF CIVIL OR CRIMINAL JURISDICTION FOR INDIAN TRIBES, TO PROVIDE A PROCESS FOR RETROCESSION, TO PROVIDE LIMITS FOR RETROCESSION AND TO DEFINE TERMS.

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

SECTION 1. That Chapter 51, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5104, Idaho Code, and to read as follows:

67-5104. RETROCESSION OF CIVIL OR CRIMINAL JURISDICTION -- PROCESS -- LIMITS. (1) The process by which the state may retrocede to the United States all or part of the civil or criminal jurisdiction previously acquired by the state over a federally recognized Indian tribe, and the Indian country of such tribe, must be accomplished in accordance with the requirements of this section.

(2) To initiate civil or criminal retrocession, the duly authorized governing body of a tribe must submit a retrocession resolution to the governor accompanied by information about the tribe's plan regarding the tribe's exercise of jurisdiction following the proposed retrocession. The resolution must express the desire of the tribe for the retrocession by the state of all or any measures or provisions of the civil or criminal jurisdiction acquired by the state under this chapter over the Indian country and the members of such Indian tribe. Before a tribe submits a retrocession resolution to the governor, the tribe and affected municipalities and counties are encouraged to collaborate to achieve the goal of ensuring that the best interests of the tribe and the surrounding communities are served by the retrocession process.

(3) Upon receiving a resolution under this section, the governor must within ninety (90) days convene a government-to-government meeting with either the governing body of the tribe or duly authorized tribal representatives for the purpose of considering the tribe's retrocession resolution. The governor's office must consult with elected officials from the counties, cities and towns proximately located to the area of the proposed retrocession.

(4) Within one (1) year of the receipt of an Indian tribe's retrocession resolution, the governor must issue a proclamation if approving the request either in whole or in part. This one (1) year deadline may be extended by the mutual consent of the tribe and the governor, as needed. In addition, either the tribe or the governor may extend the deadline once for a period of up to six (6) months. Within ten (10) days of issuance of a proclamation approving the retrocession resolution, the governor must formally submit the

proclamation to the federal government in accordance with the procedural requirements for federal approval of the proposed retrocession. In the event the governor denies all or part of the resolution, the reasons for such denial must be provided to the tribe in writing.

(5) Within one hundred twenty (120) days of the governor's receipt of a tribe's resolution requesting civil or criminal retrocession, but prior to the governor's approval or denial of the tribe's resolution, the appropriate committees of the house and senate may conduct public hearings on the tribe's request for state retrocession. The majority leader of the senate must designate the senate committee, and the speaker of the house of representatives must designate the house committee. Following such public hearings, the designated legislative committees may submit advisory recommendations or comments to the governor regarding the proposed retrocession, but in no event are such legislative recommendations binding on the governor or otherwise of legal effect.

(6) The proclamation for retrocession does not become effective until it is approved by a duly designated officer of the United States government and in accordance with the procedures established by the United States for the approval of a proposed state retrocession.

(7) The provisions of section 67-5101, Idaho Code, are not applicable to a civil or criminal retrocession that is accomplished in accordance with the requirements of this section.

(8) For any proclamation issued by the governor under this section that addresses the operation of motor vehicles upon the public streets, alleys, roads and highways, the governor must consider the following:

(a) Whether the affected tribe has in place interlocal agreements with neighboring jurisdictions, including applicable state transportation agencies, that address uniformity of motor vehicle operations over Indian country;

(b) Whether there is a tribal traffic policing agency that will ensure the safe operation of motor vehicles in Indian country;

(c) Whether the affected tribe has traffic codes and courts in place; and

(d) Whether there are appropriate traffic control devices in place sufficient to maintain the safety of the public roadways.

(9) A civil or criminal retrocession accomplished pursuant to this section shall not:

(a) Affect the state's civil jurisdiction over the civil commitment of sexual offenders pursuant to chapter 83, title 18, Idaho Code, and the state must retain such jurisdiction notwithstanding the completion of the retrocession process authorized under this section; and

(b) Abate any action or proceeding that has been filed with any court or agency of the state or local government preceding the effective date of the completion of a retrocession authorized under this section.

(10) As used in this section:

(a) "Civil retrocession" means the state's act of returning to the federal government the civil jurisdiction acquired over Indians and Indian country under federal Public Law 280, codified as amended in 18 U.S.C. 1162, 25 U.S.C. 1321-1326, and 28 U.S.C. 1360.

(b) "Criminal retrocession" means the state's act of returning to the federal government the criminal jurisdiction acquired over Indians and Indian country under federal Public Law 280, codified as amended in 18 U.S.C. 1162, 25 U.S.C. 1321-1326, and 28 U.S.C. 1360.

(c) "Indian country" means:

(i) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(ii) All dependent Indian communities within the borders of the United States, whether in the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(iii) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

(d) "Indian tribe" is as defined in section 67-4001, Idaho Code.

LEGISLATIVE COUNCIL UPDATE

Criminal Justice Reinvestment Oversight Committee
Legislative Interim Committee
Section 67-456, Idaho Code (2014)

Members of the Committee:

Senator Patti Anne Lodge, Co-Chair	Representative Lynn Luker, Co-Chair
Senator Jim Rice	Representative James Holtzclaw
Senator Jeff Agenbroad	Representative Bryan Zollinger
Senator Cherie Buckner-Webb	Representative John McCrostie
Senator Mark Nye	Representative Melissa Wintrow

Staff: Ryan Bush, Jared Hoskins, Ana Lara

Summary of Committee Action:

The committee has met six times this year, including its organizational meeting in March, and has been receiving input from Idaho Department of Correction (IDOC) at each of its meetings. At the meeting in June, the committee heard from the Council of State Governments regarding justice reinvestment strategies in other states. Director Henry Atencio of IDOC presented an update of inmate population, discussed measures taken to address population trends and gave a forecast for future needs including the Department's bed expansion proposal. David Birch of the Commission of Pardons and Parole discussed the caseloads that probation and parole officers currently manage, and Director Sharon Harrigfeld of the Department of Juvenile Corrections presented to the committee on some of her department's "front-end" programs to assist juveniles who might be at risk.

In July, Canyon County prosecutor Bryan Taylor presented on the effects of drug use from, and Sara Thomas gave an update on the Supreme Court's felony sentencing working group, threshold crimes in Idaho and the work of problem-solving courts. Director Atencio discussed community reentry centers, mental health programs for inmates, and out-of-state placement of inmates. Executive Director Sandy Jones of the Commission of Pardons and Parole discussed her department's work following the passage

of justice reinvestment, continued challenges, and potential solutions. LSO also presented research on justice reinvestment approaches taken by Utah and Texas and pending legislation in Congress.

At its August meeting, the committee heard presentations from the Departments of Education and Health and Welfare regarding programs for at-risk students and IDOC offenders who require mental health services. Holly Koole Rebholtz presented data on behalf of the prosecutors regarding sentencing for first-time drug offenders, and Director Atencio followed up on requests from the July meeting on substance use disorder services. Finally, LSO provided research on good time / earned time policies in neighboring states, compassionate release programs and incarceration rates.

On September 17, the prosecutors presented additional data on sentencing for first-time drug offenders, and Tom Arkoosh gave a defense attorney's perspective on what is needed to improve justice reinvestment. The committee received additional information on Utah's justice reinvestment initiative from the Utah Fraternal Order of Police. Sheriff Stephen Bartlett of Ada County discussed the possibility of a new facility for probation violators to ease the impact on county jails. Director Atencio then followed up on requests for more information on community service providers, treatment services and programs, mental health prescriptions, the CAPP facility, and recidivism rates.

At its meeting on October 26, the committee heard from Sara Thomas on the scope, intent, and substance of the Court's sentencing working group and from representatives from IDOC who discussed the inmate population forecast and mandatory minimum sentences for drug trafficking . LSO also provided research on savings and investments associated with justice reinvestment, total statewide funding of criminal justice, and lawsuits based on good time/earned time policies in other states. The committee also made the following formal recommends at the conclusion of its October 26 meeting:

1. The committee should continue its work and be extended an additional four years via legislation to amend Section 67-456, Idaho Code.

2. The committee recommends that the budget request of the Department of Correction for FY2020 for the addition of thirty new probation and parole officers be approved.
3. The committee recommends that the Department of Correction's bed expansion proposal be approved. (*See attached*)
4. The committee recommends that the germane committees consider drafting legislation to allow judges to deviate from mandatory minimum sentences for drug trafficking offenses based upon criteria determined by the committees.
5. The committee recommends that the germane committees consider drafting legislation that would allow inmate labor to work for private employers in the production, harvesting, and processing of Idaho agricultural products.
6. The committee supports the changes to Section 19-2521, Idaho Code, proposed by the Supreme Court's sentencing working group that would incorporate sentencing principles from Idaho case law and provide an emphasis on favoring a community-based sentences. (*See attached*)

Formal Recommendations of the 2018 Criminal Justice Reinvestment Oversight Committee

1. The committee should continue its work and be extended an additional four years via legislation to amend Section 67-456, Idaho Code.
2. The committee recommends that the budget request of the Department of Correction for FY2020 for the addition of thirty new probation and parole officers be approved.
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6. The committee supports the changes to Section 19-2521, Idaho Code, proposed by the Supreme Court's sentencing working group that would incorporate sentencing principles from Idaho case law and provide an emphasis on favoring a community-based sentences. (*See attached*)

Proposed Revised Idaho Code Section 19-2521
October 26, 2018

TITLE 19
CRIMINAL PROCEDURE
CHAPTER 25
JUDGMENT

19-2521. SENTENCING CRITERIA FOR PLACING DEFENDANT ON PROBATION OR IMPOSING IMPRISONMENT.

(1)The ~~court shall deal with a~~ policy of the state of Idaho regarding sentencing of persons convicted of a crime ~~without imposing sentence of imprisonment unless, having regard to the nature and circumstances of the crime and the history, character and condition of the defendant, it is of the opinion that imprisonment is appropriate for protection of the public because~~ is as follows:

a) ~~There is undue risk that during the period of a suspended sentence or probation the defendant will commit another crime; or~~ The goals of sentencing include the primary consideration of the protection of society, followed by the possibility of risk reduction through rehabilitation, deterrence of the individual and the public generally, and punishment or retribution for wrongdoing.

b) ~~The defendant is in need of correctional treatment that can be provided most effectively by his commitment to an institution; or~~ Unless otherwise provided by law, each sentence should be specifically tailored to the individual defendant and take into account the totality of all relevant facts and circumstances.

c) ~~A lesser sentence will depreciate the seriousness of the defendant's crime; or~~ The sentencing court should first consider placement in the community, and the sentence imposed should call for the minimum amount of confinement which is consistent with the protection of the public, the gravity of the offense, and the rehabilitative needs of the defendant.

~~d) Imprisonment will provide appropriate punishment and deterrent to the defendant; or~~

~~e) Imprisonment will provide an appropriate deterrent for other persons in the community; or~~

~~f) The defendant is a multiple offender or professional criminal.~~

(2) The following ~~grounds~~ factors, while not controlling the discretion of the court, shall be accorded weight in favor of avoiding a sentence of imprisonment:

(a) The defendant's criminal conduct neither caused nor threatened harm;

(b) The defendant did not contemplate that the criminal conduct would cause or threaten harm;

(c) The defendant's criminogenic needs indicate the defendant ~~acted under a strong provocation~~ will benefit from supervision and treatment in the community;

(d) There were substantial grounds tending to excuse or justify the defendant's criminal conduct, though failing to establish a defense;

(e) The victim of the defendant's criminal conduct induced or facilitated the commission of the crime;

(f) The defendant has compensated or will compensate the victim of his criminal conduct for the damage or injury that was sustained; provided, however, nothing in this section shall prevent the appropriate use of imprisonment and restitution in combination;

(g) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present crime;

(h) The defendant's criminal conduct was the result of circumstances unlikely to recur;

(i) The character and attitudes of the defendant indicate that the commission of another crime is unlikely; and

(j) The defendant demonstrates amenability to treatment.

(3) The following factors, while not controlling the discretion of the court, shall be accorded weight in favor of a sentence of imprisonment:

(a) There is undue risk that during the period of a suspended sentence or probation the defendant will commit another crime harmful to a member of the public;

(b) A lesser sentence will depreciate the seriousness of the defendant's crime;

(c) Imprisonment will provide appropriate punishment and deterrent to the defendant;

(d) Imprisonment will provide an appropriate deterrent for other persons in the community; or

(e) The defendant is a multiple offender or professional criminal.

(4) As used in this section, “criminogenic needs” refers to those dynamic factors associated with the likelihood of reoffending, but which may be changed through effective intervention.

DRAFT

IDOC Bed Expansion Proposal

Henry Atencio, Director
Jeff Zmuda, Deputy Director

Bed Capacity and Needs

• Projected IDOC Incarcerated Population by November 2022	10,109
• IDOC Current Bed Capacity	7,291
• Additional IDOC Beds On-Line FY19	167
• Twin Falls Community Reentry Center – Summer/Fall 2020	125
• Correctional Alternative Placement Program	432
• IDOC Revised Bed Capacity	8,015
• Additional Beds Needed by November 2022	2,094

IDOC Bed Expansion Proposal

- Male/Female – Community Reentry Center
  - North Idaho
  - 125 Beds
  - Estimated Construction Cost: $12.9 Million

- Male – St. Anthony Work Camp Expansion
  - Purchase and Renovate Lincoln School
  - 100 Beds
  - Estimated Construction Cost: $7.8 Million

- Male/Female – CAPP Expansion
  - 432 Beds
  - Estimated Construction Cost: $66.5 Million

IDOC Bed Expansion Proposal

- **Male and Female Stand Alone Facility 1510 Beds $439 Million**
  - Reception and Diagnostic Units (420 Beds)
    - Intake, Assessment, Processing
  - Mental Health Units (550 Beds)
    - Acute, Non-Acute, Civil Commitment
  - Infirmaries (100 Beds)
    - Chronic Care, Recovery, Long-Term Care
  - Cognitive Care Units (40 Beds)
    - Dementia, Alzheimers
  - Special Needs Units (400 Beds)
    - Vulnerable Population, Protective Custody

LEGISLATIVE COUNCIL UPDATE

Public School Funding Formula
Legislative Interim Committee
HCR 49 (2018)

Members of the Committee:

Senator Chuck Winder, Co-Chair	Representative Wendy Horman, Co-Chair
Senator Dean Mortimer	Speaker Scott Bedke
Senator Clifford Bayer	Representative Julie VanOrden
Senator Lori Den Hartog	Representative Sage Dixon
Senator Janie Ward-Engelking	Representative John McCrostie

Staff: Paul Headlee, Robyn Lockett, Brooke Brourman, and Olivia Johnson

Summary of Committee Action: The Committee met seven times at the Capitol in Boise, including March 27, April 17, July 18, Sept 5, Sept 24, October 25, and (forthcoming) November 26, 2018.

In March 2018, the Committee agreed to contract with the Education Commission of the States (ECS) to help the Legislature design a new public school funding formula in its charge to move from a resource allocation school funding model to one that is centered on the students. At the April 2018 meeting, ECS outlined its plan, goals, intended deliverables, and project timeline. ECS also explained the details and process of holding regional focus group meetings. In July 2018, the Committee heard a comprehensive summary of the input ECS received during its regional funding formula panels and public meetings, as well as from online survey feedback and other in-person meetings. Based on its research and stakeholder input from around the state, ECS made recommendations to the Committee, including which of the existing line item funding should be excluded from the new formula, and which should be included in the new formula. ECS also made recommendations with regard to a student count system, grade weighting, student funding needs, and district funding needs. At both September 2018 meetings, as well as the October 2018 meeting, ECS presented drafts of a new school funding model. ECS cautioned that the model was constructed with the decisions made at each previous meeting, and that the model continues to evolve as the Committee makes adjustments. At the November meeting, the Committee plans to receive a final report from ECS, outlining their recommendations. The ECS report will serve as an attachment to the standard interim committee report. The Committee has directed LSO staff to begin drafting legislation and plans to include that in their final report, as well. The report will then be considered by the germane education committees.

In short, the goal of the Committee is to allocate educational resources to students that need it the most. In a "student-centered" formula, the money follows the student and is based on student needs. The districts and charters will be afforded additional flexibility in a funding model that focuses on student achievements and accountability, instead of prescribed funding inputs. Furthermore, the Committee's recommendations will simplify the current funding formula, providing more transparency and predictability for districts and charters so they focus more on student outcomes.

Attachment A is an example of how funding would potentially be distributed under a new funding model.

Attachment A

EXAMPLE: FY 2019 and FY 2020 PUBLIC SCHOOLS SUPPORT PROGRAM, Draft Funding Model

		FY 2019 Original Approp.	*FY 2020 Example*
STEP 1: APPROPRIATION			
	Fund Source		
	General Fund	*$1,785,265,900*	$1,927,558,900
	Dedicated Funds	*$91,010,700*	$101,877,300
	Federal Funds	*$264,338,500*	$264,338,500
	TOTAL APPROPRIATIONS	***$2,140,615,100***	***$2,293,774,700***
STEP 2: PROGRAM DISTRIBUTIONS			
	Statutory Requirements		
1	Transportation	*$73,010,000*	$75,334,700
2	Border Contracts	*$1,200,000*	$1,200,000
3	Exceptional Contracts/Tuition Equivalents	*$5,390,900*	$5,761,000
4	Bond Levy Equalization	*$23,184,500*	$25,968,300
5	Idaho Digital Learning Academy	*$9,788,500*	$12,157,600
6	Idaho Safe & Drug-Free Schools	*$4,024,900*	$4,024,900
7	Advanced Opportunities	*$15,000,000*	$18,000,000
8	National Board Teacher Certification	*$90,000*	$90,000
9	Facilities (Lottery) & Interest Earned	*$18,562,500*	$22,842,500
10	Facilities State Match (GF)	*$3,905,000*	$4,104,000
11	Facilities - Charter School Funding	*$7,893,700*	$8,840,000
12	Online Class Portal	*$150,000*	$150,000
13	Master Premiums (Salaries and Benefits)	*$0*	$11,959,000
	Sub-total -- Statutory Requirements	***$162,200,000***	**$190,432,000**
	Other Program Distributions		
14	Technology	*$36,500,000*	*$39,500,000*
15	Idaho Educational Services for the Deaf and Blind	*$10,979,400*	*$11,673,500*
16	Federal Funds for Local School Districts	*$264,115,000*	*$264,115,000*
	Sub-total -- Other Program Distributions	***$311,594,400***	***$315,288,500***
	Total Program Distributions (Line Items)	***$473,794,400***	***$505,720,500***
	State Funds Remaining After Distributions (Line Items)	***$1,666,597,200***	***$1,787,830,700***
	Estimated Student Count (Weighted)	***379,000***	***385,000***
STEP 3: AMOUNT PER STUDENT		***$4,397***	***$4,644***

LEGISLATIVE COUNCIL UPDATE

Occupational Licensing and Certification Laws
Legislative Interim Committee
SCR 146 (2018)

Members of the Committee:

Senator Lakey, Co-Chair	Representative DeMordaunt, Co-Chair
Senator Martin	Representative Monks
Senator Den Hartog	Representative Manwaring
Senator Burgoyne	Representative Smith

Staff: Elizabeth Bowen, Matt Drake, Maggie Smith, Christine Otto, Jennifer Kish

Summary of Committee Action:

The Occupational Licensing and Certification Laws Committee met in Boise on June 22 and October 19. At its meetings, the committee heard presentations on Executive Order 2017-06 and the reports filed pursuant to it, national trends in occupational licensing, and methods of providing oversight of occupational licensing boards. The committee also voted to accept an invitation to participate in the Occupational Licensing Policy Learning Consortium along with fifteen other states. The consortium is sponsored by NCSL, CSG, the National Governors Association Center for Best Practices, and the United States Department of Labor, for the purpose of studying occupational licensing requirements nationwide, developing best practices, and removing unnecessary obstacles to labor market participation. Co-chairs Lakey and DeMordaunt plan to attend a consortium meeting in Florida at the end of November, along with other members of Idaho's consortium team.

The committee's next meeting is scheduled for November 16, at which time the committee will discuss and adopt its report to the Legislature, including a recommendation that the committee continue meeting for at least another year.