

IN THE SENATE

SENATE BILL NO. 1318

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 21-142, IDAHO CODE,  
2 TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS;  
3 AMENDING SECTION 21-148, IDAHO CODE, TO PROVIDE A CORRECT CODE REF-  
4 ERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-1002,  
5 IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING SECTION 33-1004B,  
6 IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL COR-  
7 RECTIONS; AMENDING SECTION 2, CHAPTER 352, LAWS OF 2016, TO MAKE A  
8 CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
9 SECTION 33-1513, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE  
10 TECHNICAL CORRECTIONS; AMENDING SECTION 39-105, IDAHO CODE, TO REMOVE  
11 REFERENCE TO CERTAIN IDAHO CODE SECTIONS AND TO MAKE TECHNICAL CORREC-  
12 TIONS; AMENDING SECTION 39-113, IDAHO CODE, TO PROVIDE A CORRECT CODE  
13 REFERENCE; AMENDING SECTION 39-909, IDAHO CODE, TO PROVIDE A CORRECT  
14 CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
15 39-6004, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING  
16 SECTION 41-3434, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO  
17 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-316, IDAHO CODE, TO  
18 REMOVE SURPLUS VERBIAGE AND TO PROVIDE A CORRECT CODE REFERENCE; AMEND-  
19 ING SECTION 47-328, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE  
20 CODIFIER'S CORRECTIONS; AMENDING SECTION 47-330, IDAHO CODE, TO MAKE A  
21 TECHNICAL CORRECTION; AMENDING SECTION 47-331, IDAHO CODE, AS ENACTED  
22 BY SECTION 1, CHAPTER 116, LAWS OF 2017, TO REDESIGNATE THE SECTION;  
23 AMENDING SECTION 47-331, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER  
24 68, LAWS OF 2017, TO REDESIGNATE THE SECTION; AMENDING SECTION 50-703,  
25 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE, TO REMOVE OBSOLETE  
26 LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1704,  
27 IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 54-1733E,  
28 IDAHO CODE, AS ENACTED BY SECTION 2, CHAPTER 23, LAWS OF 2017, TO REDES-  
29 IGNATE THE SECTION; AMENDING SECTION 67-1412, IDAHO CODE, TO PROVIDE  
30 A CORRECT CODE REFERENCE; AMENDING SECTION 67-4129B, IDAHO CODE, TO  
31 REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 67-6621, IDAHO CODE, TO PRO-  
32 VIDE A CORRECT CODE REFERENCE; AMENDING SECTION 72-1347B, IDAHO CODE,  
33 TO REMOVE SURPLUS VERBIAGE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE  
34 TECHNICAL CORRECTIONS; AMENDING SECTION 74-107, IDAHO CODE, TO MAKE  
35 A CODIFIER'S CORRECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING  
36 SECTION 74-206, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND  
37 PROVIDING AN EFFECTIVE DATE.  
38

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

40 SECTION 1. That Section 21-142, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

1           21-142.   POWERS AND DUTIES OF BOARD. The Idaho transportation board  
2 shall be vested with the functions, powers and duties relating to the provi-  
3 sions of this act and shall have power to:

4           (1) Contract in the name of the state with respect to the rights, powers  
5 and duties vested in the board by this act.

6           (2) Locate, design, construct, reconstruct, alter, extend, repair and  
7 maintain state aeronautical facilities when determined by the board to be in  
8 the public interest.

9           (3) Establish standards for the location, design, construction, recon-  
10 struction, alteration, extension, repair and maintenance of state aeronau-  
11 tical facilities.

12           (4) Make annually on or before the first day of December of each year,  
13 and at such other times as the governor may require, reports in writing to the  
14 governor concerning the condition, management and financial transactions of  
15 the transportation department.

16           (5) Purchase, condemn or otherwise acquire, and exchange any real  
17 property, either in fee or in any lesser estate or interest, rights-of-way,  
18 easements and other rights together with rights of direct access from the  
19 property abutting aeronautical facilities, deemed necessary by the board  
20 for present or future aeronautical purposes. The order of the board that the  
21 land sought is necessary for such use shall be prima facie evidence of such  
22 fact.

23           (6) Cooperate with, receive and expend grants from the federal govern-  
24 ment, and receive and expend gifts and grants from other sources for the con-  
25 struction and improvement of any aeronautical facility and, when authorized  
26 or directed by any act of congress or any rule or regulation of any agency of  
27 the federal government, expend funds so donated or granted.

28           (7) Contract jointly with counties, municipalities and other public  
29 agencies for the improvement and construction of aeronautical facilities.

30           (8) Expend funds for the construction, maintenance and improvement of  
31 publicly owned aeronautical facilities.

32           (9) Prescribe rules and regulations affecting aeronautical facili-  
33 ties, and enforce compliance therewith.

34           (10) Cooperate financially or otherwise with any other state, county or  
35 city of any other state, or with any foreign country or any province or dis-  
36 trict of any foreign country, or with the government of the United States,  
37 or any agency thereof, or private agencies or persons, or with any or all  
38 thereof for the erecting, ~~construction~~ constructing, reconstructing, and  
39 maintaining of any aeronautical facility between the state of Idaho and any  
40 other state or foreign country, and for the purchase or condemnation or other  
41 acquisition of right-of-way therefor.

42           (11) Close or restrict the use of any state aeronautical facility when-  
43 ever such closing or restricting of use is deemed necessary.

44           (12) Establish such departmental divisions as are necessary for the  
45 full and efficient administration of this act.

46           (13) Employ such personnel as are necessary, subject to the provisions  
47 of the public employees retirement system (chapter 13, title 59, Idaho  
48 Code), group insurance plan (chapter ~~42~~ 57, title ~~59~~ 67, Idaho Code), or  
49 personnel system (chapter 53, title 67, Idaho Code).

1 (14) Sell, exchange, or otherwise dispose of and convey, in accordance  
 2 with law, any real or personal property, other than public lands which by the  
 3 constitution and laws of the state of Idaho are placed under the jurisdic-  
 4 tion of the state land board, or parts thereof, together with appurtenances,  
 5 when, in the opinion of the board, said real property and/or appurtenances  
 6 are no longer needed for state aeronautical purposes, and also dispose of any  
 7 surplus materials and by-products from such property and appurtenances.

8 (15) Establish rules and regulations, consistent with the laws of  
 9 Idaho, for the expenditure of all moneys appropriated and/or allotted by law  
 10 to the Idaho transportation department or the board.

11 (16) Exercise such other powers and duties, including the adoption of  
 12 bylaws, rules and regulations, necessary to fully implement and carry out  
 13 the provisions of this act and the provisions of title 21, Idaho Code, not in-  
 14 consistent herewith.

15 SECTION 2. That Section 21-148, Idaho Code, be, and the same is hereby  
 16 amended to read as follows:

17 21-148. CONTINUATION OF RIGHTS AND PRIVILEGES OF PRESENT EMPLOYEES  
 18 -- EFFECT. Nothing herein contained shall affect the rights or privileges  
 19 of employees of the present department of aeronautics under the public  
 20 employees retirement system (chapter 13, title 59, Idaho Code), group in-  
 21 surance plan (chapter ~~42~~ 57, title ~~59~~ 67, Idaho Code), or personnel system  
 22 (chapter 53, title 67, Idaho Code).

23 SECTION 3. That Section 33-1002, Idaho Code, be, and the same is hereby  
 24 amended to read as follows:

25 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-  
 26 gram is calculated as follows:

27 (1) State Educational Support Funds. Add the state appropriation, in-  
 28 cluding the moneys available in the public school income fund, together with  
 29 all miscellaneous revenues to determine the total state funds.

30 (2) From the total state funds subtract the following amounts needed  
 31 for state support of special programs provided by a school district:

32 (a) Pupil tuition-equivalency allowances as provided in section  
 33 33-1002B, Idaho Code;

34 (b) Transportation support program as provided in section 33-1006,  
 35 Idaho Code;

36 (c) Feasibility studies allowance as provided in section 33-1007A,  
 37 Idaho Code;

38 (d) The approved costs for border district allowance, provided in sec-  
 39 tion 33-1403, Idaho Code, as determined by the state superintendent of  
 40 public instruction;

41 (e) The approved costs for exceptional child approved contract al-  
 42 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as  
 43 determined by the state superintendent of public instruction;

44 (f) Salary-based apportionment calculated as provided in sections  
 45 33-1004 through 33-1004F, Idaho Code;

46 (g) Unemployment insurance benefit payments according to the provi-  
 47 sions of section 72-1349A, Idaho Code;

1 (h) For expenditure as provided by the public school technology pro-  
2 gram;

3 (i) For employee severance payments as provided in section 33-521,  
4 Idaho Code;

5 (j) For distributions to the Idaho digital learning academy as provided  
6 in section 33-1020, Idaho Code;

7 (k) For charter school facilities funds and reimbursements paid pur-  
8 suant to section 33-5208(5), Idaho Code;

9 (l) For an online course portal as provided for in section 33-1024,  
10 Idaho Code;

11 (m) For advanced opportunities as provided for in chapter 46, title 33,  
12 Idaho Code;

13 (n) For additional math and science courses for high school students as  
14 provided in section 33-1021, Idaho Code;

15 (o) For leadership premiums as provided in section 33-1004J, Idaho  
16 Code;

17 (p) For the support of provisions that provide a safe environment con-  
18 ductive to student learning and maintain classroom discipline, an allo-  
19 cation of three hundred dollars (\$300) per support unit;

20 (q) An amount specified in the appropriation bill for the public  
21 schools educational support program for counseling support as provided  
22 for in section 33-1212A, Idaho Code, shall be distributed for grades 8  
23 through 12 as follows:

24 (i) For school districts and public charter schools with one hun-  
25 dred (100) or more students enrolled in grades 8 through 12, a pro  
26 rata distribution based on students enrolled in grades 8 through  
27 12 or fourteen thousand dollars (\$14,000), whichever is greater;

28 (ii) For school districts and public charter schools with fewer  
29 than one hundred (100) students enrolled in grades 8 through 12,  
30 one hundred forty dollars (\$140) per student enrolled in grades  
31 8 through 12 or seven thousand dollars (\$7,000), whichever is  
32 greater;

33 (r) An amount specified in the public schools educational support pro-  
34 gram appropriation bill for literacy intervention pursuant to section  
35 33-1616, Idaho Code, the disbursements made to the school districts  
36 and public charter schools in the aggregate shall not exceed the total  
37 amount appropriated for this purpose and shall be based on the actual  
38 costs of such intervention programs. School districts and public char-  
39 ter schools shall be reimbursed in full or in pro rata based on the  
40 average number of students in kindergarten through grade 3 who score ba-  
41 sic or below basic on the fall statewide reading assessment in the prior  
42 three (3) years;

43 (s) For mastery-based education as provided for in section 33-1630,  
44 Idaho Code;

45 (t) For pay for success contracting in section 33-125B, Idaho Code; and

46 (vu) Any additional amounts as required by statute to effect adminis-  
47 trative adjustments or as specifically required by the provisions of  
48 any bill of appropriation;

49 to secure the total educational support distribution funds.

1 (3) Average Daily Attendance. The total state average daily attendance  
 2 shall be the sum of the average daily attendance of all of the school dis-  
 3 tricts of the state. The state board of education shall establish rules set-  
 4 ting forth the procedure to determine average daily attendance and the time  
 5 for, and method of, submission of such report. Average daily attendance cal-  
 6 culation shall be carried out to the nearest hundredth. Computation of av-  
 7 erage daily attendance shall also be governed by the provisions of section  
 8 33-1003A, Idaho Code.

9 (4) Support Units. The total state support units shall be determined  
 10 by using the tables set out hereafter called computation of kindergarten  
 11 support units, computation of elementary support units, computation of sec-  
 12 ondary support units, computation of exceptional education support units,  
 13 and computation of alternative school support units. The sum of all of the  
 14 total support units of all school districts of the state shall be the total  
 15 state support units.

16 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

17	Average Daily		
18	Attendance	Attendance Divisor	Units Allowed
19	41 or more....	40.....	1 or more as computed
20	31 - 40.99 ADA....	-.....	1
21	26 - 30.99 ADA....	-.....	.85
22	21 - 25.99 ADA....	-.....	.75
23	16 - 20.99 ADA....	-.....	.6
24	8 - 15.99 ADA....	-.....	.5
25	1 - 7.99 ADA....	-.....	count as elementary

26 COMPUTATION OF ELEMENTARY SUPPORT UNITS

27	Average Daily		Minimum Units
28	Attendance	Attendance Divisor	Allowed
29	300 or more ADA.....	.....	15
30		..23...grades 4,5 & 6....	
31		..22...grades 1,2 & 3....1994-95	
32		..21...grades 1,2 & 3....1995-96	
33		..20...grades 1,2 & 3....1996-97	
34		and each year thereafter.	
35	160 to 299.99 ADA...	20.....	8.4
36	110 to 159.99 ADA...	19.....	6.8
37	71.1 to 109.99 ADA...	16.....	4.7
38	51.7 to 71.0 ADA...	15.....	4.0
39	33.6 to 51.6 ADA...	13.....	2.8
40	16.6 to 33.5 ADA...	12.....	1.4
41	1.0 to 16.5 ADA...	n/a.....	1.0

1 COMPUTATION OF SECONDARY SUPPORT UNITS

2 Average Daily		Minimum Units
3 Attendance	Attendance Divisor	Allowed
4 750 or more.....	18.5 .....	47
5 400 - 749.99 ADA.....	16 .....	28
6 300 - 399.99 ADA.....	14.5 .....	22
7 200 - 299.99 ADA.....	13.5 .....	17
8 100 - 199.99 ADA.....	12 .....	9
9 99.99 or fewer	Units allowed as follows:	
10 Grades 7-12	.....	8
11 Grades 9-12	.....	6
12 Grades 7-9	.....	1 per 14 ADA
13 Grades 7-8	.....	1 per 16 ADA

14 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

15 Average Daily		Minimum Units
16 Attendance	Attendance Divisor	Allowed
17 14 or more.....	14.5 .....	1 or more as computed
18 12 - 13.99.....	- .....	1
19 8 - 11.99.....	- .....	.75
20 4 - 7.99.....	- .....	.5
21 1 - 3.99.....	- .....	.25

23 COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

24 (Computation of alternative school support units shall include  
25 grades 6 through 12)

26 Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
27 12 or more.....	12 .....	1 or more as computed

30 In applying these tables to any given separate attendance unit, no  
31 school district shall receive less total money than it would receive if it  
32 had a lesser average daily attendance in such separate attendance unit. In  
33 applying the kindergarten table to a kindergarten program of fewer days  
34 than a full school year, the support unit allowance shall be in ratio to the  
35 number of days of a full school year. The attendance of students attending  
36 an alternative school in a school district reporting fewer than one hundred  
37 (100) secondary students in average daily attendance shall not be assigned  
38 to the alternative table if the student is from a school district reporting  
39 fewer than one hundred (100) secondary students in average daily attendance,  
40 but shall instead be assigned to the secondary table of the school district

1 in which they are attending the alternative school, unless the alternative  
2 school in question serves students from multiple districts reporting fewer  
3 than one hundred (100) secondary students in average daily attendance. The  
4 tables for exceptional education and alternative school support units shall  
5 be applicable only for programs approved by the state department of educa-  
6 tion following rules established by the state board of education. Moneys  
7 generated from computation of support units for alternative schools shall be  
8 utilized for alternative school programs. School district administrative  
9 and facility costs may be included as part of the alternative school expen-  
10 ditures.

11 (5) State Distribution Factor per Support Unit. Divide educational  
12 support program distribution funds, after subtracting the amounts necessary  
13 to pay the obligations specified in subsection (2) of this section, by the  
14 total state support units to secure the state distribution factor per sup-  
15 port unit.

16 (6) District Support Units. The number of support units for each school  
17 district in the state shall be determined as follows:

18 (a) (i) Divide the actual average daily attendance, excluding stu-  
19 dents approved for inclusion in the exceptional child educational  
20 program, for the administrative schools and each of the separate  
21 schools and attendance units by the appropriate divisor from the  
22 tables of support units in this section, then add the quotients  
23 to obtain the district's support units allowance for regular stu-  
24 dents, kindergarten through grade 12 including alternative school  
25 students. Calculations in application of this subsection shall be  
26 carried out to the nearest hundredth.

27 (ii) Divide the combined totals of the average daily attendance  
28 of all preschool, kindergarten, elementary, secondary, juvenile  
29 detention center students and students with disabilities approved  
30 for inclusion in the exceptional child program of the district by  
31 the appropriate divisor from the table for computation of excep-  
32 tional education support units to obtain the number of support  
33 units allowed for the district's approved exceptional child pro-  
34 gram. Calculations for this subsection shall be carried out to the  
35 nearest hundredth when more than one (1) unit is allowed.

36 (iii) The total number of support units of the district shall be  
37 the sum of the total support units for regular students, subpara-  
38 graph (i) of this paragraph, and the support units allowance for  
39 the approved exceptional child program, subparagraph (ii) of this  
40 paragraph.

41 (b) Total District Allowance Educational Program. Multiply the dis-  
42 trict's total number of support units, carried out to the nearest hun-  
43 dredth, by the state distribution factor per support unit and to this  
44 product add the approved amount of programs of the district provided in  
45 subsection (2) of this section to secure the district's total allowance  
46 for the educational support program.

47 (c) District Share. The district's share of state apportionment is the  
48 amount of the total district allowance, paragraph (b) of this subsec-  
49 tion.

1 (d) Adjustment of District Share. The contract salary of every noncer-  
2 tificated teacher shall be subtracted from the district's share as cal-  
3 culated from the provisions of paragraph (c) of this subsection.

4 (7) Property Tax Computation Ratio. In order to receive state funds  
5 pursuant to this section, a charter district shall utilize a school mainte-  
6 nance and operation property tax computation ratio for the purpose of calcu-  
7 lating its maintenance and operation levy that is no greater than that which  
8 it utilized in tax year 1994, less four-tenths of one percent (.4%). As used  
9 herein, the term "property tax computation ratio" shall mean a ratio deter-  
10 mined by dividing the district's certified property tax maintenance and op-  
11 eration budget by the actual or adjusted market value for assessment pur-  
12 poses as such values existed on December 31, 1993. Such maintenance and op-  
13 eration levy shall be based on the property tax computation ratio multiplied  
14 by the actual or adjusted market value for assessment purposes as such values  
15 existed on December 31 of the prior calendar year.

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

18 33-1004B. CAREER LADDER. (1) Effective July 1, 2015, all existing in-  
19 structional staff shall be placed in a cohort on the career ladder starting  
20 with the second cell on the residency/professional compensation rung that  
21 corresponds with the next higher allocation amount than is currently re-  
22 ceived by the district, based on the experience and education index pursuant  
23 to section 33-1004A, Idaho Code, as applied in fiscal year 2015. For each  
24 year between July 1, 2015, and June 30, 2019, those instructional staff will  
25 move one (1) cell on the career ladder for each year they are employed by a  
26 district and meet the applicable performance criteria for the compensation  
27 rung and implementation year, unless such movement would result in the dis-  
28 trict receiving a lesser allocation than the district would have received if  
29 the instructional staff would have moved based on the experience and educa-  
30 tion index as applied in fiscal year 2015, for such instructional staff the  
31 district salary apportionment calculation shall use the amount that would  
32 have been applied based on the experience and education index. Applicable  
33 performance criteria used for determining movement on the career ladder will  
34 be based on the previous year's performance for the applicable number of  
35 years.

36 (2) Effective July 1, 2016, all existing pupil service staff shall be  
37 placed in a cohort on the career ladder starting with the second cell on  
38 the residency/professional compensation rung or the next higher allocation  
39 amount than is currently received by the district, or based on the experience  
40 and education index pursuant to section 33-1004A, Idaho Code, as applied in  
41 fiscal year 2016, whichever is higher. For each year between July 1, 2016,  
42 and June 30, 2019, those pupil service staff will move one (1) cell on the  
43 career ladder for each year they are employed by a district and meet the ap-  
44 plicable performance criteria for the compensation rung and implementation  
45 year, unless such movement would result in the district receiving a lesser  
46 allocation than the district would have received if the pupil service staff  
47 would have moved based on the experience and education index as applied in  
48 fiscal year 2016. For such pupil service staff, the district salary appor-  
49 tionment calculation shall use the amount that would have been applied based



1 on the experience and education index. Applicable performance criteria used  
2 for determining movement on the career ladder will be based on the previous  
3 year's performance for the applicable number of years.

4 (3) Instructional staff and pupil service staff who are in their first  
5 year of holding a certificate shall be placed in the first cell of the resi-  
6 dency compensation rung and shall move one (1) cell on the residency compen-  
7 sation rung for each year they hold a certificate thereafter, for up to three  
8 (3) years, at which point they will remain in the third cell of the residency  
9 rung until they earn a professional endorsement.

10 (4) Instructional staff new to teaching in Idaho and pupil service  
11 staff new to working in an Idaho public school district or charter school who  
12 hold a certificate from a state other than Idaho and who are approved to teach  
13 in Idaho will be placed into the cohort of instructional staff on the career  
14 ladder table equivalent to their experience and education pursuant to sec-  
15 tion 33-1004A, Idaho Code, as applied in fiscal year 2015 for instructional  
16 staff and 2016 for pupil service staff.

17 (5) In addition to the allocation amount specified for the applicable  
18 cell on the career ladder, school districts shall receive an additional al-  
19 location amount for career technical education instructional staff holding  
20 an occupational specialist certificate in the area for which they are teach-  
21 ing in the amount of three thousand dollars (\$3,000).

22 (6) In addition to the allocation amount specified for the applicable  
23 cell on the career ladder, school districts shall receive an additional  
24 allocation amount for instructional staff and pupil service staff holding  
25 a professional endorsement who have acquired additional education and meet  
26 the professional compensation rung performance criteria. In determining  
27 the additional education allocation amount, only credits and degrees earned  
28 based upon a transcript on file with the teacher certification office of the  
29 state department of education, earned at an institution of higher education  
30 accredited by a body recognized by the state board of education or credits  
31 earned through an internship or other work experience approved by the state  
32 board of education, shall be credited toward the education allocation. All  
33 credits and degrees earned must be in a relevant pedagogy or content area  
34 as determined by the state department of education. Education allocation  
35 amounts are not cumulative. Instructional staff whose initial certificate  
36 is an occupational specialist certificate shall be treated as BA degree-pre-  
37 pared instructional staff. Credits earned by such occupational specialist  
38 instructional staff after initial certification shall be credited toward  
39 the education allocation. Additional allocations are:

40 (a) Effective July 1, 2016, through June 30, 2017, the education allo-  
41 cation shall be:

42 (i) For instructional staff and pupil service staff holding a  
43 professional endorsement and a baccalaureate degree and twenty-  
44 four (24) or more credits, eight hundred dollars (\$800) per fiscal  
45 year.

46 (ii) For instructional staff and pupil service staff holding a  
47 professional endorsement and a master's degree, one thousand four  
48 hundred dollars (\$1,400) per fiscal year.

49 (b) Effective July 1, 2017, through June 30, 2018, the education alloca-  
50 tion shall be:

1 (i) For instructional staff and pupil service staff hold-  
 2 ing a professional endorsement and a baccalaureate degree and  
 3 twenty-four (24) or more credits, one thousand two hundred dollars  
 4 (\$1,200) per fiscal year.

5 (ii) For instructional staff and pupil service staff holding a  
 6 professional endorsement and a master's degree, two thousand one  
 7 hundred dollars (\$2,100) per fiscal year.

8 (c) Effective July 1, 2018, through June 30, 2019, the education allo-  
 9 cation shall be:

10 (i) For instructional staff and pupil service staff hold-  
 11 ing a professional endorsement and a baccalaureate degree and  
 12 twenty-four (24) or more credits, one thousand six hundred dollars  
 13 (\$1,600) per fiscal year.

14 (ii) For instructional staff and pupil service staff holding  
 15 a professional endorsement and a master's degree, two thousand  
 16 eight hundred dollars (\$2,800) per fiscal year.

17 (d) Effective July 1, 2019, through June 30, 2020, the education allo-  
 18 cation shall be:

19 (i) For instructional staff and pupil service staff holding a  
 20 professional endorsement and a baccalaureate degree and twenty-  
 21 four (24) or more credits, two thousand dollars (\$2,000) per fis-  
 22 cal year.

23 (ii) For instructional staff and pupil service staff holding a  
 24 professional endorsement and a master's degree, three thousand  
 25 five hundred dollars (\$3,500) per fiscal year.

26 (67) Effective July 1, 2015, through June 30, 2016, the allocation  
 27 shall be:

28 Base

29 Allocation	1	2	3	4	5	6	7	8	9	10
30 Residency/ 31 Professional	\$32,700	\$33,200	\$33,822							
32 Professional	\$35,498	\$36,885	\$38,311	\$39,775	\$41,282	\$42,089	\$43,668	\$45,305	\$47,004	\$47,603

33 (78) Effective July 1, 2016, through June 30, 2017, the allocation  
 34 shall be:

35 Base

36 Allocation	1	2	3	4	5	6	7	8	9	10
37 Residency/ 38 Professional	\$33,400	\$34,250	\$35,117							
39 Professional	\$37,249	\$38,758	\$39,546	\$41,113	\$41,961	\$43,591	\$44,503	\$46,201	\$47,183	\$48,202

1       ~~(8)(g)~~ (9) Effective July 1, 2017, through June 30, 2018, the alloca-  
 2 tion shall be:

3 Base

4 Allocation	1	2	3	4	5	6	7	8	9	10
5 Residency	\$34,600	\$35,500	\$36,411							
6 Professional	\$38,999	\$40,630	\$41,155	\$42,825	\$43,391	\$45,102	\$45,711	\$47,467	\$48,122	\$48,802

7       (9)10 Effective July 1, 2018, through June 30, 2019, school districts  
 8 shall receive an allocation for instructional staff and pupil service staff  
 9 based on the staffs' position on the career ladder.

10       (a) Instructional staff and pupil service staff in their first year of  
 11 holding a professional endorsement shall be placed in the first cell of  
 12 the professional compensation rung.

13       (b) Instructional staff and pupil service staff previously placed  
 14 within a cohort shall continue to move one (1) cell on the applicable  
 15 rung with their cohort unless they have failed to meet the compensation  
 16 rung performance criteria for the previous three (3) years. Alloca-  
 17 tions to districts for instructional staff and pupil service staff who  
 18 have failed to meet the professional compensation rung performance cri-  
 19 teria for the previous three (3) years shall be the same as the previous  
 20 fiscal year. This also applies to the educational allocation.

21       (10)1 Effective July 1, 2018, through June 30, 2019, the allocation  
 22 shall be:

23 Base

24 Allocation	1	2	3	4	5	6	7	8	9	10
25 Residency	\$35,800	\$36,750	\$37,706							
26 Professional	\$40,750	\$42,503	\$42,765	\$44,538	\$44,820	\$46,614	\$46,918	\$48,734	\$49,061	\$49,401

27       (11)2 Effective July 1, 2019, through June 30, 2020, school districts  
 28 shall receive an allocation for instructional staff and pupil service staff  
 29 based on the staffs' position on the career ladder as follows:

30       (a) Instructional staff and pupil service staff in their first year of  
 31 holding a professional endorsement shall be placed in the first cell of  
 32 the professional compensation rung.

33       (b) Instructional staff and pupil service staff previously placed  
 34 within a cohort shall continue to move one (1) cell on the applicable  
 35 rung with their cohort unless they have failed to meet the professional  
 36 compensation rung performance criteria for three (3) of the previous  
 37 four (4) years. Allocations to districts for instructional staff and  
 38 pupil service staff who have failed to meet the professional compensa-  
 39 tion rung performance criteria for three (3) of the previous four (4)  
 40 years shall be the same as the previous fiscal year. This also applies  
 41 to the educational allocation.

42       (12)3 Effective July 1, 2019, through June 30, 2020, the allocation  
 43 shall be:

1	Base										
2	Allocation	1	2	3	4	5	6	7	8	9	10
3	Residency	\$37,000	\$38,000	\$39,000							
4	Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000					

5 (134) A review of a sample of evaluations completed by administrators  
6 shall be conducted annually to verify such evaluations are being conducted  
7 with fidelity to the state framework for teaching evaluation, including  
8 each evaluation component as outlined in administrative rule and the rat-  
9 ing given for each component. The state board of education shall randomly  
10 select a sample of administrators throughout the state. A portion of such  
11 administrators' instructional staff and pupil service staff employee eval-  
12 uations shall be independently reviewed. The ratio of instructional staff  
13 evaluations to pupil service staff evaluations shall be equal to the ra-  
14 tio of the statewide instructional staff salary allowance to pupil service  
15 staff salary allowance. The state board of education with input from the  
16 Idaho-approved teacher preparation programs and the state department of  
17 education shall identify individuals and a process to conduct the reviews.  
18 Administrator certificate holders shall be required to participate in ongo-  
19 ing evaluation training pursuant to section 33-1204, Idaho Code. The state  
20 board of education shall report annually the findings of such reviews to the  
21 senate education committee, the house of representatives education commit-  
22 tee, the state board of education and the deans of Idaho's approved teacher  
23 preparation programs. The state board of education shall promulgate rules  
24 implementing the provisions of this subsection.

25 (145) School districts shall submit annually to the state the data nec-  
26 essary to determine whether an instructional staff or pupil service staff  
27 member has met the performance criteria for the applicable compensation  
28 rung and implementation year. The department of education shall calculate  
29 annually whether instructional staff and pupil service staff have met the  
30 compensation rung performance criteria based on the data submitted during  
31 the previous years that are applicable to the performance criteria for that  
32 year. Individually identifiable performance evaluation ratings submitted  
33 to the state remain part of the employee's personnel record and are exempt  
34 from public disclosure pursuant to section 74-106, Idaho Code.

35 SECTION 5. That Section 33-1004B, Idaho Code, as amended by Section 2,  
36 Chapter 352, Laws of 2016, be, and the same is hereby amended to read as fol-  
37 lows:

38 33-1004B. CAREER LADDER. School districts shall receive an allocation  
39 for instructional staff and pupil service staff based on their staffs' posi-  
40 tion on the career ladder as follows:

41 (1) Instructional staff and pupil service staff who are in their first  
42 year of holding a certificate shall be placed in the first cell of the resi-  
43 dency compensation rung and shall move one (1) cell on the residency compen-  
44 sation rung for each year they hold a certificate thereafter for up to three  
45 (3) years, at which point they will remain in the third cell of the residency  
46 rung until they earn a professional endorsement.

1 (2) Instructional staff and pupil service staff in their first year of  
2 holding a professional endorsement shall be placed in the first cell of the  
3 professional compensation rung.

4 (3) Instructional staff and pupil service staff on the professional  
5 compensation rung with four (4) years of experience shall move one (1) cell  
6 on the professional compensation rung unless they have failed to meet the  
7 professional compensation rung performance criteria for three (3) of the  
8 previous four (4) years. Instructional staff and pupil service staff on the  
9 professional compensation rung who meet the performance criteria for three  
10 (3) of the previous five (5) years, one (1) of which must be during the fourth  
11 or fifth year, shall move one (1) cell. Allocations for instructional staff  
12 and pupil service staff who do not meet the professional compensation rung  
13 performance criteria for three (3) of the previous five (5) years, one (1) of  
14 which must be during the fourth or fifth year, shall remain at the previous  
15 fiscal year allocation level. This also applies to the educational alloca-  
16 tion.

17 (4) In addition to the allocation amount specified for the applicable  
18 cell on the career ladder, school districts shall receive an additional al-  
19 location amount for career technical education instructional staff holding  
20 an occupational specialist certificate in the area for which they are teach-  
21 ing in the amount of three thousand dollars (\$3,000).

22 (5) In addition to the allocation amount specified for the applicable  
23 cell on the career ladder, school districts shall receive an additional  
24 allocation amount for instructional staff and pupil service staff holding  
25 a professional endorsement who have acquired additional education and meet  
26 the professional compensation rung performance criteria. In determining  
27 the additional education allocation amount, only transcribed credits and  
28 degrees on file with the teacher certification office of the state depart-  
29 ment of education, earned at an institution of higher education accredited  
30 by a body recognized by the state board of education or credits earned  
31 through an internship or work experience approved by the state board of  
32 education, shall be allowed. All credits and degrees earned must be in a  
33 relevant pedagogy or content area as determined by the state department of  
34 education. Additional education allocation amounts are not cumulative.  
35 Instructional staff whose initial certificate is an occupational specialist  
36 certificate shall be treated as BA degree-prepared instructional staff.  
37 Credits earned by such occupational specialist instructional staff after  
38 initial certification shall be credited toward the education allocation.  
39 Additional allocations are:

40 (a) For instructional staff and pupil service staff holding a profes-  
41 sional endorsement, a baccalaureate degree and twenty-four (24) or more  
42 credits, two thousand dollars (\$2,000) per fiscal year.

43 (b) For instructional staff and pupil service staff holding a profes-  
44 sional endorsement and a master's degree, three thousand five hundred  
45 dollars (\$3,500) per fiscal year.

46 (c) Effective July 1, 2020, the allocation shall be:

Base	1	2	3	4	5
Allocation					
Residency	\$37,000	\$38,000	\$39,000		
Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000

(6) A review of a sample of evaluations completed by administrators shall be conducted annually to verify such evaluations are being conducted with fidelity to the state framework for teaching evaluation, including each evaluation component as outlined in administrative rule and the rating given for each component. The state board of education shall randomly select a sample of administrators throughout the state. A portion of such administrators' instructional staff and pupil service staff employee evaluations shall be independently reviewed. The ratio of instructional staff evaluations to pupil service staff evaluations shall be equal to the ratio of the statewide instructional staff salary allowance to pupil service staff salary allowance. The state board of education with input from the Idaho-approved teacher preparation programs and the state department of education shall identify individuals and a process to conduct the reviews. Administrator certificate holders shall be required to participate in ongoing evaluation training pursuant to section 33-1204, Idaho Code. The state board of education shall report annually the findings of such reviews to the senate education committee, the house of representatives education committee, the state board of education and the deans of Idaho's approved teacher preparation programs. The state board of education shall promulgate rules implementing the provisions of this subsection.

(67) School districts shall submit annually to the state the data necessary to determine if an instructional staff or pupil service staff member has met the performance criteria for movement on the applicable compensation rung. The department of education shall calculate whether or not instructional staff and pupil service staff have met the compensation rung performance criteria based on the data submitted during the previous five (5) years. Individually identifiable performance evaluation ratings submitted to the state remain part of the employee's personnel record and are exempt from public disclosure pursuant to section 74-106, Idaho Code.

SECTION 6. That Section 33-1513, Idaho Code, be, and the same is hereby amended to read as follows:

33-1513. PUPIL TRANSPORTATION SUPPORT PROGRAM FUND. (1) In order to promote school transportation safety and awareness in Idaho and to help defray costs associated with Idaho's oversight of the statewide pupil transportation support program, there is hereby created in the state treasury the "~~P~~pupil ~~T~~ransportation ~~S~~upport ~~P~~rogram ~~F~~und" to which shall be credited:

(a) Moneys as ~~provided by special license plate program fees pursuant to section 49-419D, Idaho Code; and~~

~~(b) All other moneys as may be provided by law; and~~

(eb) Interest earned on the investment of idle moneys in the fund, which shall be paid to the pupil transportation support program fund.

1 (2) Moneys in the fund shall be continuously appropriated to the de-  
2 partment of education, and any moneys remaining in the fund at the end of each  
3 fiscal year shall not be appropriated to any other fund.

4 (3) Moneys in the fund shall ~~only~~ be used only for educational programs  
5 promoting school transportation safety and awareness; provided however, the  
6 department of education is authorized to retain a portion of the moneys, not  
7 to exceed ten percent (10%) of annual revenues, to help defray costs associ-  
8 ated with the implementation, administration and oversight of the statewide  
9 pupil transportation support program.

10 SECTION 7. That Section 39-105, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 39-105. POWERS AND DUTIES OF THE DIRECTOR. The director shall have the  
13 following powers and duties:

14 (1) All of the rights, powers and duties regarding environmental pro-  
15 tection functions vested in the department of health and welfare, and its di-  
16 rector, administered by the division of environmental quality, including,  
17 but not limited to, those provided by chapters 1, 4, 30, 36, 44, 58, ~~62, 64,~~  
18 65, 66, 70, 71, 72 and 74, title 39, Idaho Code. The director shall have all  
19 such powers and duties as described in this section as may have been or could  
20 have been exercised by his predecessors in law, and shall be the successor in  
21 law to all contractual obligations entered into by predecessors in law. All  
22 hearings of the director shall be governed by the provisions of chapter 52,  
23 title 67, Idaho Code.

24 (2) The director shall, pursuant and subject to the provisions of the  
25 Idaho Code, and the provisions of this act, formulate and recommend to the  
26 board, rules as may be necessary to deal with problems related to water  
27 pollution, air pollution, solid waste disposal, and licensure and certi-  
28 fication requirements pertinent thereto, which shall, upon adoption by the  
29 board, have the force of the law relating to any purpose which may be nec-  
30 essary and feasible for enforcing the provisions of this act, including,  
31 but not limited to, the prevention, control or abatement of environmental  
32 pollution or degradation including radionuclides and risks to public health  
33 related to any of the powers and duties described in this section. Any such  
34 rule may be of general application throughout the state or may be limited as  
35 to times, places, circumstances or conditions in order to make due allowance  
36 for variations therein.

37 (3) The director, under the rules adopted by the board, shall have the  
38 general supervision of the promotion and protection of the environment of  
39 this state. The powers and duties of the director shall include, but not be  
40 limited to, the following:

41 (a) The issuance of licenses and permits as prescribed by law and by the  
42 rules of the board promulgated hereunder. For each air quality oper-  
43 ating permit issued under title V of the federal clean air act and its  
44 implementing regulations, the director shall, consistent with the fed-  
45 eral clean air act and its implementing regulations, expressly include  
46 a provision stating that compliance with the conditions of the permit  
47 shall be deemed compliance with the applicable requirements of the fed-  
48 eral clean air act and the title V implementing regulations. The di-  
49 rector may develop and issue general permits covering numerous similar

1 sources, as authorized by 40 CFR 70.6(d), as may be amended, and as ap-  
2 propriate.

3 (b) The enforcement of rules relating to public water supplies and  
4 to administer the drinking water loan fund pursuant to chapter 76,  
5 title 39, Idaho Code, including making loans to eligible public drink-  
6 ing water systems as defined in the federal safe drinking water act,  
7 as amended, and to comply with all requirements of the act, 42 U.S.C.  
8 300f, et seq. and regulations promulgated pursuant to the act. This  
9 includes, but is not limited to: the development of and implementation  
10 of a capacity development strategy to ensure public drinking water sys-  
11 tems have the technical, managerial and financial capability to comply  
12 with the national primary drinking water regulations; and the enhance-  
13 ment of protection of source waters for public drinking water systems.

14 (c) The establishment of liaison with other governmental departments,  
15 agencies and boards in order to effectively assist other governmental  
16 entities with the planning for the control of or abatement of environ-  
17 mental pollution. All of the rules adopted by the board hereunder shall  
18 apply to state institutions.

19 (d) The supervision and administration of a system to safeguard air  
20 quality and for limiting and controlling the emission of air contami-  
21 nants.

22 (e) The supervision and administration of a system to safeguard the  
23 quality of the waters of this state including, but not limited to, the  
24 enforcement of rules relating to the discharge of effluent into the  
25 waters of this state and the storage, handling and transportation of  
26 solids, liquids, and gases ~~which~~ that may cause or contribute to water  
27 pollution. For purposes of complying with the clean water act, the di-  
28 rector may provide an exemption from additional reductions for those  
29 nonpoint sources that meet the applicable reductions set forth in an  
30 approved TMDL as defined in chapter 36, title 39, Idaho Code.

31 (f) The supervision and administration of administrative units whose  
32 responsibility shall be to assist and encourage counties, cities, other  
33 governmental units, and industries in the control of and/or abatement  
34 of environmental pollution.

35 (g) The administration of solid waste disposal site and design review  
36 in accordance with the provisions of chapter 74, title 39, Idaho Code,  
37 and chapter 4, title 39, Idaho Code, and in particular as follows:

38 (i) The issuance of a solid waste disposal site certificate in the  
39 manner provided in chapter 74, title 39, Idaho Code.

40 (ii) Provide review and approval regarding the design of solid  
41 waste disposal facilities and ground water monitoring systems and  
42 approval of all applications for flexible standards as provided in  
43 40 CFR 258, in accordance with the provisions of chapter 74, title  
44 39, Idaho Code.

45 (iii) Cooperating and coordinating with operational monitoring  
46 of solid waste disposal sites by district health departments pur-  
47 suant to authority established in chapters 4 and 74, title 39,  
48 Idaho Code.



1 (iv) The authority granted to the director pursuant to provisions  
2 of this subsection shall be effective upon enactment of chapter  
3 74, title 39, Idaho Code, by the legislature.

4 (v) The authority to develop and propose rules as necessary to  
5 supplement details of compliance with the solid waste facilities  
6 act and applicable federal regulations, provided that such reg-  
7 ulations shall not conflict with the provisions of this act nor  
8 shall such regulations be more strict than the requirements estab-  
9 lished in federal law or in the solid waste facilities act.

10 (h) The establishment, administration and operation of:

11 (i) A network of environmental monitoring stations, independent  
12 of the United States department of energy, within and around the  
13 facilities of the Idaho national laboratory to provide authorita-  
14 tive auditing and analysis of emissions, discharges or releases of  
15 pollutants to the environment, including the air, water and soil  
16 from such facilities; and

17 (ii) Programs within the department to utilize the data obtained  
18 from such monitoring, and any other relevant data, in the enforce-  
19 ment of applicable agreements, statutes and rules pertaining to  
20 such facilities and programs to review, analyze and participate in  
21 remedial decisions and other proposed actions and projects to en-  
22 sure the protection of public health and the environment.

23 The director shall also monitor the implementation of agreements between the  
24 United States and the state of Idaho related to the operation and environ-  
25 mental protection obligations of the Idaho national laboratory and provide  
26 periodic information to the governor, the attorney general, the legislature  
27 and the people of Idaho concerning compliance with such agreements and obli-  
28 gations. The director shall have the power to enter into agreements with the  
29 United States department of energy in order to carry out the duties and au-  
30 thorities provided in this subsection.

31 (i) The enforcement of all laws, rules, regulations, codes and stan-  
32 dards relating to environmental protection and health.

33 (j) The enhancement and protection of source waters of the state pur-  
34 suant to rules of the board.

35 (4) The director, when so designated by the governor, shall have the  
36 power to apply for, receive on behalf of the state, and utilize any federal  
37 aid, grants, gifts, gratuities, or moneys made available through the federal  
38 government, including, but not limited to, the federal water pollution con-  
39 trol act, for use in or by the state of Idaho in relation to health and envi-  
40 ronmental protection.

41 (5) (a) The director shall have the power to enter into and make con-  
42 tracts and agreements with any public agencies or municipal corporation  
43 for facilities, land, and equipment when such use will have a beneficial  
44 or recreational effect or be in the best interest in carrying out the du-  
45 ties imposed upon the department.

46 (b) The director shall also have the power to enter into contracts for  
47 the expenditure of state matching funds for local purposes. This sub-  
48 section will constitute the authority for public agencies or municipal  
49 corporations to enter into such contracts and expend money for the pur-  
50 poses delineated in such contracts.

1 (6) The director is authorized to adopt an official seal to be used on  
2 appropriate occasions, in connection with the functions of the department or  
3 the board, and such seal shall be judicially noticed. Copies of any books,  
4 records, papers and other documents in the department shall be admitted in  
5 evidence equally with the originals thereof when authenticated under such  
6 seal.

7 SECTION 8. That Section 39-113, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 39-113. TRANSFER OF EMPLOYEES. All employees of the division of en-  
10 vironmental quality and the INEEL oversight program of the department of  
11 health and welfare are transferred to the department of environmental qual-  
12 ity. Such transfer shall in no manner affect the rights or privileges of any  
13 transferred employee under the public employee retirement system (chapter  
14 13, title 59, Idaho Code), the group insurance plan (chapter ~~42~~ 57, title  
15 ~~59~~ 67, Idaho Code), or personnel system (chapter 53, title 67, Idaho Code).  
16 Additionally, when the department of health and welfare is used in terms of  
17 environmental protection, it shall mean the department of environmental  
18 quality.

19 SECTION 9. That Section 39-909, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 39-909. TESTS FOR PHENYLKETONURIA AND PREVENTABLE DISEASES IN NEWBORN  
22 INFANTS. It shall be the duty of the administrative officer or other person  
23 in charge of each hospital or other institution caring for newborn infants  
24 and the person responsible for the registration of the birth of such infants  
25 under section 39-25~~65~~, Idaho Code, to cause to have administered to every  
26 newborn infant in its or his care a test for phenylketonuria and such other  
27 tests for preventable diseases as prescribed by the state board of health and  
28 welfare. The person administering such tests shall make such reports of the  
29 results thereof as required by the state board of health and welfare.

30 SECTION 10. That Section 39-6004, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32 39-6004. CONSIDERATION IN AWARD OF CONTRACTS. In awarding contracts  
33 pursuant to section ~~39-5502~~ 39-6002, Idaho Code, consideration shall be  
34 given to factors such as need, coordination with or enhancement of existing  
35 services, and evidence of community support or volunteers for the program.

36 SECTION 11. That Section 41-3434, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38 41-3434. OTHER PROVISIONS APPLICABLE. In addition to those contained  
39 or referred to heretofore in this chapter, the following chapters and provi-  
40 sions of title 41, Idaho Code, shall also apply with respect to service cor-  
41 porations to the extent applicable and not in conflict with the express pro-  
42 visions of this chapter and the reasonable implications of such express pro-

1 visions, and, for the purposes of such application, such corporations shall  
2 be deemed to be mutual "insurers":

- 3 (1) Chapter 1, Idaho Code (scope of insurance code);
- 4 (2) Chapter 2, Idaho Code (the ~~director~~ department of insurance);
- 5 (3) Section 41-308(2), Idaho Code (general eligibility for certificate  
6 of authority -- competence, affiliations of management);
- 7 (4) Sections 41-345 through 41-347, Idaho Code (disclosure of material  
8 transactions);
- 9 (5) Section 41-601, Idaho Code ("assets" defined);
- 10 (6) Section 41-603, Idaho Code (assets not allowed);
- 11 (7) Section 41-604, Idaho Code (disallowance of "wash" transactions);
- 12 (8) Section 41-613, Idaho Code (valuation of bonds);
- 13 (9) Section 41-731, Idaho Code (prohibited investments and investment  
14 underwriting);
- 15 (10) Chapter 13, Idaho Code (trade practices and frauds);
- 16 (11) Section 41-2840, Idaho Code (vouchers for expenditures);
- 17 (12) Section 41-2841, Idaho Code (borrowed surplus);
- 18 (13) Sections 41-2857, Idaho Code (mergers and consolidations, of mu-  
19 tual insurers), 41-2858, Idaho Code (bulk reinsurance, mutual insurers),  
20 and 41-2859, Idaho Code (mutual member's share of assets on liquidation);
- 21 (14) Chapter 33, Idaho Code (supervision, rehabilitation and liquida-  
22 tion);
- 23 (15) Sections 799 ~~to~~ through 809 ~~of~~, chapter 330 ~~of Session~~, Laws of  
24 1961 (transitory provisions);
- 25 (16) Section 41-2106(3), Idaho Code (health history application for  
26 disability insurance);
- 27 (17) Section 41-2141, Idaho Code (coordination of benefits -- coordina-  
28 tion with social security benefits);
- 29 (18) Section 41-1839, Idaho Code (attorney's fees);
- 30 (19) Chapter 46, Idaho Code (long-term care insurance act);
- 31 (20) Section 41-1844, Idaho Code (prescription drug benefit restric-  
32 tions prohibited);
- 33 (21) Section 41-2216, Idaho Code (coordination of benefits -- coordina-  
34 tion with social security benefits);
- 35 (22) Chapter 54, Idaho Code (risk-based capital);
- 36 (23) Chapter 64, Idaho Code (corporate governance); and
- 37 (234) Chapter 63, Idaho Code (own risk and solvency assessment).

38 SECTION 12. That Section 47-316, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 47-316. PERMIT TO DRILL OR TREAT A WELL -- FEES. (1) It shall be un-  
41 lawful to commence operations for the drilling or treating of a well for oil  
42 and gas without first giving notice to the commission of intention to drill  
43 or treat and without first obtaining a permit from the commission under such  
44 rules and regulations as may be reasonably prescribed by the commission and  
45 by paying to the commission a filing and service fee as provided by this sec-  
46 tion.

- 47 (a) Any request for a permit or authorization as set forth in subsection
- 48 (3) (a), (b), (c), (d), (e), (f), (g), (m), (n) or (o) of this section

1 shall be made by application to the department of lands, and processed  
2 as provided in this section.

3 (b) The department shall notify the director of the department of water  
4 resources regarding applications for permits to drill or treat a well.  
5 The director of water resources shall have ten (10) business days from  
6 the date of receipt of such notification from the department of lands to  
7 recommend conditions he believes necessary to protect freshwater sup-  
8 plies.

9 (c) Applications submitted under this section, except those listed in  
10 subsection (3) (c) and (g) of this section, shall be posted on the de-  
11 partment of lands' website for ten (10) business days for a written com-  
12 ment period.

13 (d) The department of lands shall approve or deny applications in sub-  
14 subsection (3) (a), (b), (c), (d), (f), (g), (m), (n) and (o) of this section  
15 ~~an~~ in a timely and efficient manner. This time frame does not apply to  
16 permits submitted with an application processed under section 47-3248,  
17 Idaho Code.

18 (e) The department's decision made under this section may be appealed  
19 to the commission by the applicant pursuant to the procedure in section  
20 47-328(4) through (6), Idaho Code.

21 (2) Upon issuance of any permit to drill or treat a well, a copy thereof,  
22 including any limitations, conditions, controls, rules or regulations at-  
23 tached thereto for the protection of freshwater supplies as required in sec-  
24 tion 47-315, Idaho Code, shall be forwarded to the director of the department  
25 of water resources.

26 (3) The department shall collect the following fees, which shall be re-  
27 mitted to the state treasurer for deposit in the oil and gas conservation  
28 fund and shall be used exclusively to pay the costs and expenses incurred in  
29 connection with the administration and enforcement of this chapter:

- 30 (a) Application for a permit to drill a well .....\$2,000
- 31 (b) Application to deepen a well .....500
- 32 (c) Application to plug and abandon a well, if not completed within one
- 33 (1) year from issuance of permit to drill a well .....500
- 34 (d) Application to treat a well, if separate from an application for a
- 35 permit to drill a well .....1,000
- 36 (e) Application to construct a pit, if separate from an application for
- 37 a permit to drill a well .....1,500
- 38 (f) Application to directionally drill a well, if separate from an ap-
- 39 plication for a permit to drill a well .....1,000
- 40 (g) Application for a recompletion, modified blow out prevention stan-
- 41 dards, using a vacuum for oil or gas recovery, removing casing, or mul-
- 42 tiple zone completion, if separate from an application for a permit to
- 43 drill or plug and abandon a well .....1,000
- 44 (h) Application for an exceptional well location, if separate from an
- 45 application for a permit to drill a well .....1,300
- 46 (i) Application to change the size, shape or location of a spacing
- 47 unit .....1,300
- 48 (j) Application to establish or amend a fieldwide spacing order ..1,300
- 49 (k) Application for an integration order .....1,300
- 50 (l) Application for a unitization order .....1,300

- 1 (m) Application for a seismic operations permit covering less than
- 2 twelve (12) miles of a 2-D survey ..... 800
- 3 (n) Application for a seismic operations permit covering between
- 4 twelve (12) miles and twenty-four (24) miles of a 2-D survey, or up to
- 5 seventy-two (72) square miles of a 3-D survey ..... 2,000
- 6 (o) Application for a seismic operations permit covering more than
- 7 twenty-four (24) miles of a 2-D survey, or more than seventy-two (72)
- 8 square miles of a 3-D survey ..... 2,500

9 SECTION 13. That Section 47-328, Idaho Code, be, and the same is hereby  
 10 amended to read as follows:

11 47-328. RULES FOR COMMISSION -- ADMINISTRATIVE PROCEDURES. (1) The  
 12 commission shall have authority to hear rulemaking proceedings, complaints  
 13 filed with it pursuant to this chapter and appeals from the oil and gas ad-  
 14 ministrators decision on an application filed pursuant to this chapter, and  
 15 any other matter the commission decides should be heard by the commission.  
 16 The commission may act on its own motion. The commission may prescribe rules  
 17 governing the procedure before it, subject to the provisions of the adminis-  
 18 trative procedure act, chapter 52, title 67, Idaho Code. Provided however,  
 19 that no rulemaking except for that done under section 67-5226, Idaho Code,  
 20 may be conducted for twelve (12) months beginning on July 1, 2017.

21 (2) In all cases where a complaint is made by the commission or any per-  
 22 son that any provision of this act or any rule or order of the commission  
 23 is being violated, the commission shall serve notice of any hearing to be  
 24 held on such application or complaint to the interested persons by certified  
 25 mail, return receipt requested, or in the same manner as is provided in the  
 26 rules of civil procedure for the service of summons in civil actions. Where  
 27 the interested person is unknown or cannot be located, the commission shall  
 28 serve notice by publishing at least one (1) notice of the hearing to such per-  
 29 son in a newspaper of general circulation in the county where the affected  
 30 tract is located. Such notice must be sent, delivered or published, as ap-  
 31 propriate, at least five (5) business days before the date of the hearing.

32 (3) Except as provided in section 47-316(1) (a), Idaho Code, and sub-  
 33 section (2) of this section, any request for an order related to oil and gas  
 34 activities within the commission's jurisdiction, other than a civil penalty  
 35 proceeding pursuant to section 47-329, Idaho Code, or other enforcement ac-  
 36 tion by the department of lands or the commission, shall be made by applica-  
 37 tion to the department of lands and processed as provided in this section.

38 (a) The department shall notify the applicant within five (5) business  
 39 days of receipt of an application if additional information is required  
 40 for the department to evaluate the application.

41 (b) For applications involving an order regarding unit operations or  
 42 integration of a drilling unit, the applicant shall send a copy of the  
 43 application and supporting documents to all known and located uncom-  
 44 mitted owners, to all working interest owners within the unit, and to  
 45 the respective city or county where the proposed unit is located. The  
 46 mailing shall be sent by certified mail within seven (7) calendar days  
 47 of filing the application and include notice of the hearing date on  
 48 which the oil and gas administrator will consider the application. ~~The~~  
 49 ~~application may be.~~ For any uncommitted owners and working interest

1 owners who cannot be located, an applicant shall publish notice of any  
2 application for an order, notice of hearing and response deadline once  
3 in a newspaper of general circulation in the county in which the af-  
4 fected property is located and request the department publish notice on  
5 its website within seven (7) calendar days of filing of the application.  
6 Only an uncommitted owner in the affected unit may file an objection or  
7 other response to the application, and the uncommitted owner shall file  
8 at least fourteen (14) calendar days before the hearing date provided in  
9 the notice.

10 (c) For applications not involving paragraph (b) of this subsection,  
11 the department and any uncommitted owner within the area defined in the  
12 application may file objections or other responses to the application  
13 and shall file at least fourteen (14) calendar days before the hearing  
14 date provided in the notice.

15 (d) The ~~director~~ oil and gas administrator shall hear the application  
16 and make a decision on the application's merits. The ~~director~~ oil and  
17 gas administrator shall set regular hearing dates. Applications shall  
18 be filed at least forty-five (45) calendar days before a desired hear-  
19 ing date. Untimely applications shall be continued until the next hear-  
20 ing. The ~~director~~ oil and gas administrator may for good cause continue  
21 any hearing. The ~~director~~ oil and gas administrator may appoint a hear-  
22 ing officer, who shall have the power and authority to conduct hearings.  
23 Discovery is not permitted. The department may appear and testify at  
24 the hearing. When applications are uncontested, the applicant may re-  
25 quest, and the ~~director~~ oil and gas administrator may allow, approval  
26 without a hearing based on review of the merits of a verified applica-  
27 tion and the supporting exhibits.

28 (e) The oil and gas administrator shall issue a written decision on any  
29 such application within thirty (30) calendar days of the hearing. The  
30 ~~director's~~ oil and gas administrator's decision shall not be subject to  
31 any motion for reconsideration or further review, except for appeal to  
32 the commission provided in subsection (d4) of this section.

33 (4) The oil and gas administrator's decision on an application or a re-  
34 quest for an order may be appealed to the commission by the applicant or any  
35 owner who filed an objection or other response to the application within the  
36 time required. An appeal must be filed with the oil and gas administrator  
37 within fourteen (14) calendar days of the date of issuance of the oil and  
38 gas administrator's written decision. The date of issuance shall be three  
39 (3) calendar days after the oil and gas administrator deposits the decision  
40 in the U.S. mail, or the date on which he remits a decision electronically.  
41 Such appeal shall include the reasons and authority for the appeal and shall  
42 identify any facts in the record supporting the appeal. Any person appeal-  
43 ing shall serve a copy of the appeal materials on any other person who par-  
44 ticipated in the proceedings, by certified mail, or by personal service. Any  
45 person who participated in the proceeding may file a response to the appeal  
46 within five (5) business days of service of a copy of the appeal materials.  
47 The appellant shall provide the oil and gas administrator with proof of ser-  
48 vice of the appeal materials on other persons as required in this section.  
49 The commission shall make a decision based on the record as set forth in the  
50 written submittals of only the appellant and any other participating quali-

1 filed person, the oil and gas administrator's decision, and any oral argument  
2 taken by the commission at an appeal hearing.

3 (5) Appeals to the commission shall be heard at the next regularly  
4 scheduled commission hearing, or at a special meeting of the commission if  
5 determined by the commission. In no case will a hearing be later than thirty  
6 (30) calendar days after the filing of an appeal. The commission may take  
7 argument from, but not new testimony of, the appellant and other qualified  
8 participating persons at the hearing. The commission shall make a deci-  
9 sion on the appeal at the hearing and issue a written order within five (5)  
10 business days of the hearing. The prevailing party shall draft a proposed  
11 written order and submit it within two (2) business days. The final order of  
12 the commission shall not be subject to any motion for reconsideration.

13 (6) If no appeal is filed with the commission within the required time,  
14 the decision of the oil and gas administrator shall become the final order.

15 (7) Judicial review of actions taken by the commission shall be gov-  
16 erned by the provisions of chapter 52, title 67, Idaho Code.

17 (8) For an application or request for an order submitted under subsec-  
18 tion (e3) of this section, only a person qualified under subsection (d4) of  
19 this section who has completed the appeal procedures set forth in this sec-  
20 tion shall be considered to have exhausted administrative remedies as re-  
21 quired in section 67-5271, Idaho Code.

22 (9) Each order shall include a reasoned statement in support of the  
23 decision, including a concise statement of facts supporting any findings,  
24 a statement of available procedures and time limits for appeals. Findings  
25 must be based exclusively on materials in the record. The applicant and any  
26 participating qualified person shall be served with a copy of the order. The  
27 order shall include or be accompanied by a certificate of service.

28 (j10) Every application shall be signed by the applicant or his repre-  
29 sentative, and his address shall be stated thereon. The signature of the ap-  
30 plicant or his representative constitutes a certificate by him that he has  
31 read the application and that to the best of his knowledge, information and  
32 belief there is good ground to support the same. Each application shall be  
33 of such form and content and accompanied by the number of copies required by  
34 rule of the commission. Each application shall be accompanied by a fee as es-  
35 tablished in statute or rule.

36 SECTION 14. That Section 47-330, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38 47-330. OIL AND GAS CONSERVATION FUND CREATED -- TAX. (1) For the pur-  
39 poses of paying the expenses of administration of this act and for the priv-  
40 ilege of extracting oil and gas in this state, there is hereby levied and  
41 imposed on all oil and gas produced, saved and sold or transported from the  
42 premises in Idaho where produced a tax of two and one-half percent (2.5%)  
43 of the gross income received by the producer of the oil and gas produced.  
44 "Gross income" shall mean the amount realized by the producer for sale of  
45 the oil and gas, whether the sale occurs at the wellhead or after transporta-  
46 tion of the product, without deduction for marketing, transportation, manu-  
47 facturing, and processing costs borne by the producer. Where the parties to  
48 the sale are related parties and the sales price is lower than the price for  
49 which that oil and gas could otherwise have been sold to a ready, willing,

1 and able buyer and where the taxpayer was legally able to sell the oil and gas  
2 to such a buyer, gross income shall be determined by reference to comparable  
3 arms-length sales of like kind, quality, and quantity in the same field or  
4 area. For purposes of this subsection, "related parties" shall be as defined  
5 in section 267 of the Internal Revenue Code, as defined, in section 63-3004,  
6 Idaho Code. This tax is in addition to all other taxes provided by law. It  
7 shall be the duty of the state tax commission to enforce collection of this  
8 tax and to make such rules as may be necessary, pursuant to the provisions of  
9 chapter 52, title 67, Idaho Code. All money so collected shall be remitted to  
10 the state treasurer for deposit in the oil and gas conservation fund, which  
11 fund is hereby created in the office of the state treasurer of the state of  
12 Idaho.

13 (2) The persons owning an interest, working interest, royalty inter-  
14 est, payments out of production, or any other interest in the oil and gas, or  
15 in the proceeds thereof, shall be liable for such tax in proportion to their  
16 ownership at the time of production. The tax so assessed and fixed shall be  
17 payable monthly, and the sum so due shall be remitted to the state tax commis-  
18 sion, on or before the twentieth of the month following the month in which the  
19 tax accrued, by the producer on behalf of himself and all other interested  
20 persons. The person remitting the tax, as herein provided, is hereby empow-  
21 ered and required to deduct from any amounts due the persons owning an inter-  
22 est in the oil and gas, or in the proceeds thereof, at the time of production a  
23 proportionate amount of such tax before making payment to such persons.

24 (3) The tax imposed by this section shall apply to all lands in the state  
25 of Idaho, anything in this act to the contrary notwithstanding; provided  
26 however, there shall be exempted from the tax hereinabove levied and as-  
27 sessed the following, to wit:

28 (a) The interest of the United States of America and the interest of the  
29 state of Idaho and the political subdivisions thereof in any oil and gas  
30 or in the proceeds thereof.

31 (b) The interest of any Indian or Indian tribe in any oil and gas or the  
32 proceeds thereof, produced from lands subject to the supervision of the  
33 United States.

34 (c) Oil and gas used in producing operations or for repressuring or re-  
35 cycling purposes.

36 (4) To the extent that such sections are not in conflict with the pro-  
37 visions of this act, the deficiency in tax and notice of deficiency as well  
38 as the collection and enforcement procedures provided by the Idaho income  
39 tax act, sections 63-3038, 63-3039, 63-3040, 63-3042 through 63-3065A,  
40 63-3068, 63-3071 and 63-3075 through 63-3078, Idaho Code, shall apply and be  
41 available to the state tax commission for enforcement of the provisions of  
42 this act and the assessment and collection of any amounts due. Said sections  
43 shall for this purpose be considered a part of this act and wherever liens  
44 or any other proceedings are defined as income tax liens or proceedings they  
45 shall, when applied in enforcement or collection pursuant to this act, be  
46 described as an oil and gas tax lien or proceeding.

47 The state tax commission may be made a party defendant in an action at  
48 law or in equity by any person aggrieved by the unlawful seizure or sale of  
49 his property, or in any suit for refund or to recover an overpayment, but  
50 only the state of Idaho shall be responsible for any final judgment secured



1 against the state tax commission, and said judgment or any other amount er-  
2 roneously or illegally collected shall be paid or satisfied out of the state  
3 refund account created by section 63-3067, Idaho Code.

4 (5) All moneys collected under this chapter shall be distributed by the  
5 state tax commission as follows:

6 (a) An amount of money shall be distributed to the state refund account  
7 sufficient to pay current refund claims. All refunds authorized under  
8 this chapter by the state tax commission shall be paid through the state  
9 refund account, and those moneys are continuously appropriated.

10 (b) For the balance of the proceeds, forty percent (40%) shall be dis-  
11 tributed by the end of the month following each monthly due date by the  
12 state tax commission into any oil and gas revenue share account as fol-  
13 lows:

14 (i) Forty-four percent (44%) is hereby appropriated and shall be  
15 paid to the current expense fund of the county from which the oil  
16 and gas was produced, to be used to mitigate the impacts associ-  
17 ated with oil and gas production, development and transportation  
18 in that county;

19 (ii) Twenty-eight percent (28%) is hereby appropriated and shall  
20 be paid to the cities within the county from which the oil and gas  
21 was produced. Such funds shall be distributed to each city based  
22 upon the proportion that the city's population bears to the total  
23 population of all of the cities within the county; and

24 (iii) Twenty-eight percent (28%) is hereby appropriated and shall  
25 be paid to the public school income fund †.

26 (c) The remainder of the moneys deposited into the oil and gas conser-  
27 vation fund, sixty percent (60%) of the proceeds after refunds, may  
28 be expended pursuant to legislative appropriation and shall be used  
29 for defraying the expenses of the oil and gas conservation commission  
30 in carrying out the provisions of this act. At the beginning of each  
31 fiscal year, those moneys in the oil and gas conservation fund, after  
32 applicable refunds and distribution as noted in paragraphs (a) and (b)  
33 of this subsection, that exceed two hundred percent (200%) of the cur-  
34 rent year's appropriations for the oil and gas conservation commission  
35 shall be transferred to the general fund. The oil and gas conservation  
36 commission shall audit all bills for salaries and expenses incurred in  
37 the enforcement of this act that may be payable from the oil and gas con-  
38 servation fund that shall be audited, allowed and paid as to the claims  
39 against the state.

40 SECTION 15. That Section 47-331, Idaho Code, as enacted by Section 1,  
41 Chapter 116, Laws of 2017, be, and the same is hereby amended to read as fol-  
42 lows:

43 47-331~~5~~. PRODUCERS -- MONTHLY STATEMENTS -- IDAHO STATE TAX COMMIS-  
44 SION. (1) Every producer engaged in the production of oil or gas from any well  
45 or wells in the state shall each month file with the Idaho state tax commis-  
46 sion, on forms prescribed by the Idaho state tax commission, a statement con-  
47 taining the information required by subsection (2) of this section relating  
48 to the oil or gas produced, saved and sold or transported from the premises in  
49 Idaho where produced.

1 (2) The statement required in subsection (1) of this section shall in-  
2 clude:

3 (a) The name, description and location of:

4 (i) Every well or wells; and

5 (ii) Every field in which the well or wells are located; and

6 (b) Any other reasonable and necessary information required by the  
7 Idaho state tax commission.

8 (3) The statements required to be filed with the Idaho state tax commis-  
9 sion shall be signed and sworn to by the producer or a designee.

10 (4) The Idaho state tax commission is authorized to conduct audits, re-  
11 lating to producer compliance with the provisions of this section, at least  
12 every three (3) years.

13 SECTION 16. That Section 47-331, Idaho Code, as enacted by Section 1,  
14 Chapter 68, Laws of 2017, be, and the same is hereby amended to read as fol-  
15 lows:

16 47-331~~6~~. INTERSTATE COMPACT FOR CONSERVATION OF OIL AND GAS RATI-  
17 FIED. (1) The state of Idaho does hereby ratify, approve, adopt and confirm  
18 the interstate compact to conserve oil and gas heretofore executed in the  
19 city of Dallas, Texas, on February 16, 1935, and is now deposited with the  
20 department of state of the United States and which has been extended with  
21 the consent of congress to September 1, 1947, which said compact is substan-  
22 tially as follows:

23 INTERSTATE COMPACT TO CONSERVE OIL AND GAS

24 ARTICLE I

25 This agreement may become effective within any compacting state at any  
26 time as prescribed by that state, and shall become effective within those  
27 states ratifying it whenever any three of the states of Texas, Oklahoma, Cal-  
28 ifornia, Kansas and New Mexico have ratified and congress has given its con-  
29 sent. Any oil-producing state may become a party hereto as hereinafter pro-  
30 vided.

31 ARTICLE II

32 The purpose of this compact is to conserve oil and gas by the prevention  
33 of physical waste thereof from any cause.

34 ARTICLE III

35 Each state bound hereby agrees that within a reasonable time it will en-  
36 act laws, or if the laws have been enacted, then it agrees to continue the  
37 same in force, to accomplish within reasonable limits the prevention of:

38 (a) The operation of any oil well with an inefficient gas-oil ratio.

39 (b) The drowning with water of any stratum capable of producing oil or  
40 gas, or both oil and gas, in paying quantities.

41 (c) The avoidable escape into the open air or the wasteful burning of  
42 gas from a natural gas well.

1 (d) The creation of unnecessary fire hazards.

2 (e) The drilling, equipping, locating, spacing or operating of a well  
3 or wells so as to bring about physical waste of oil or gas or loss in the  
4 ultimate recovery thereof.

5 (f) The inefficient, excessive or improper use of the reservoir energy  
6 in producing any well.

7 The enumeration of the foregoing subjects shall not limit the scope of the  
8 authority of any state.

9 ARTICLE IV

10 Each state bound hereby agrees that it will, within a reasonable time,  
11 enact statutes, or if such statutes have been enacted then that it will con-  
12 tinue the same in force, providing in effect that oil produced in violation  
13 of its valid oil and/or gas conservation statutes or any valid rule, order or  
14 regulation promulgated thereunder, shall be denied access to commerce; and  
15 providing for stringent penalties for the waste of either oil or gas.

16 ARTICLE V

17 It is not the purpose of this compact to authorize the states joining  
18 herein to limit the production of oil or gas for the purpose of stabilizing  
19 or fixing the price thereof, or create or perpetuate monopoly, or to promote  
20 regimentation, but is limited to the purpose of conserving oil and gas and  
21 preventing the avoidable waste thereof within reasonable limitations.

22 ARTICLE VI

23 Each state joining herein shall appoint one representative to a commis-  
24 sion hereby constituted and designated as "The Interstate Oil Compact Com-  
25 mission," the duty of which said commission shall be to make inquiry and as-  
26 certain from time to time such methods, practices, circumstances, and con-  
27 ditions as may be disclosed for bringing about conservation and the preven-  
28 tion of physical waste of oil and gas, and at such intervals as said commis-  
29 sion deems beneficial it shall report its findings and recommendations to  
30 the several states for adoption or rejection.

31 The commission shall have the power to recommend the coordination of the  
32 exercise of the police powers of the several states within their several ju-  
33 risdictions to promote the maximum ultimate recovery from the petroleum re-  
34 serves of said states, and to recommend measures for the maximum ultimate  
35 recovery of oil and gas. Said commission shall organize and adopt suitable  
36 rules and regulations for the conduct of its business.

37 No action shall be taken by the commission except: (1) by the affirma-  
38 tive votes of the majority of the whole number of the compacting states rep-  
39 resented at any meeting, and (2) by a concurring vote of a majority in inter-  
40 est of the compacting states at said meeting, such interest to be determined  
41 as follows: such vote of each state shall be in the decimal proportion fixed  
42 by the ratio of its daily average production during the preceding calendar  
43 half-year to the daily average production of the compacting states during

1 said period.

2 ARTICLE VII

3 No state joining herein shall become financially obligated to any other  
4 state, nor shall the breach of the terms hereof by any state subject such  
5 state to financial responsibility to the other states joining herein.

6 ARTICLE VIII

7 This compact shall continue in effect until congress withdraws its con-  
8 sent. But any state joining herein may, upon sixty (60) days notice, with-  
9 draw herefrom.

10 The representatives of the signatory states have signed this agreement  
11 in a single original which shall be deposited in the archives of the depart-  
12 ment of state of the United States, and a duly certified copy shall be for-  
13 warded to the governor of each of the signatory states.

14 This compact shall become effective when ratified and approved as pro-  
15 vided in article I of this compact. Any oil-producing state may become a  
16 party hereto by affixing its signature to a counterpart to be similarly de-  
17 posited, certified, and ratified.

18 (2) Notice of approval of said compact shall be given by the governor  
19 of Idaho to the interstate oil and gas compact commission (IOGCC) and to the  
20 department of state of the United States.

21 (3) That the governor of the state of Idaho be and hereby is authorized  
22 and empowered, for and on behalf of the state of Idaho, to determine when and  
23 if it shall be for the best interests of the state of Idaho to withdraw from  
24 said compact, upon sixty (60) days' notice, as provided by terms thereof,  
25 and in the event he shall determine that the state should withdraw from said  
26 compact, he shall have full power and authority to give necessary notice and  
27 take any and all other steps necessary to effect the withdrawal of the state  
28 of Idaho from said compact.

29 (4) The governor of the state of Idaho shall appoint one (1) representa-  
30 tive of the state of Idaho to the IOGCC, whose duty and authority on behalf of  
31 the state of Idaho shall be as provided in said compact.

32 SECTION 17. That Section 50-703, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 50-703. CHANGE IN NUMBER OF COUNCILMEN. A- (1) Any city may change  
35 to the greater or lesser number of councilmen after an election instituted  
36 by resolution of the council or by petition as provided for initiative  
37 in ~~sections 50-502 through 50-517~~ chapter 18, title 34, Idaho Code, such  
38 ~~election to be held not less than sixty (60) days before any general city~~  
39 ~~election.~~ When the proposition submitted to the electors shall receive a  
40 favorable vote, officials shall be elected at the succeeding general city  
41 election, provided however, that should such election be conducted in a  
42 year when no general city election is to be held, such new positions shall be  
43 filled by appointment within thirty (30) days.

44 (a) When the number of councilmen to be elected is to be reduced from  
45 six (6) to four (4), there shall be elected one (1) councilman, to serve

1 a term of four (4) years. At the next succeeding general city election,  
 2 there shall be elected two (2) councilmen, each to serve a term of four  
 3 (4) years, and one (1) councilman to serve a term of two (2) years.

4 (b) When the number of councilmen to be elected is to be increased from  
 5 four (4) to six (6), there shall be elected three (3) councilmen, each to  
 6 serve a term of four (4) years, and one (1) councilman to serve a term of  
 7 two (2) years.

8 ~~B.~~ (2) Any city operating under the city manager form of government may  
 9 change to the greater or lesser number of councilmen after an election insti-  
 10 tuted under subsection (A1).

11 (a) When the number of councilmen to be elected is to be reduced from  
 12 seven (7) to five (5):

13 ~~1.~~ (i) If there are four (4) councilmen up for election at the  
 14 next general city election, there shall be elected two (2) coun-  
 15 cilmen, each to serve a term of four (4) years.

16 ~~2.~~ (ii) If there are three (3) councilmen up for election at the  
 17 next general city election, there shall be elected one (1) coun-  
 18 cilman, to serve a term of four (4) years. At the next succeeding  
 19 general city election, there shall be elected three (3) council-  
 20 men, each to serve a term of four (4) years, and one (1) councilman  
 21 to serve a term of two (2) years.

22 (b) When the number of councilmen to be elected is to be increased from  
 23 five (5) to seven (7):

24 ~~1.~~ (i) If there are two (2) councilmen up for election at the next  
 25 general city election, there shall be elected four (4) councilmen,  
 26 each to serve a term of four (4) years.

27 ~~2.~~ (ii) If there are three (3) councilmen up for election at the  
 28 next general city election, there shall be elected four (4) coun-  
 29 cilmen, each to serve a term of four (4) years, and one (1) council-  
 30 man to serve a term of two (2) years.

31 SECTION 18. That Section 54-1704, Idaho Code, be, and the same is hereby  
 32 amended to read as follows:

33 54-1704. PRACTICE OF PHARMACY. "Practice of pharmacy" means:

34 (1) The interpretation, evaluation and dispensing of prescription drug  
 35 orders;

36 (2) Participation in drug and device selection, drug administration,  
 37 prospective and retrospective drug reviews and drug or drug-related re-  
 38 search;

39 (3) The provision of patient counseling and the provision of those acts  
 40 or services necessary to provide pharmaceutical care;

41 (4) The responsibility for:

42 (a) Compounding and labeling of drugs and devices, except labeling by  
 43 a manufacturer, repackager or distributor of nonprescription drugs and  
 44 commercially packaged legend drugs and devices;

45 (b) Proper and safe storage of drugs and devices, and maintenance of  
 46 proper records for them; and

47 (c) The offering or performing of those acts, services, operations or  
 48 transactions necessary to the conduct, operation, management and con-  
 49 trol of pharmacy;

- 1 (5) The prescribing of:
- 2 (a) Dietary fluoride supplements when prescribed according to the
- 3 American dental association's recommendations for persons whose drink-
- 4 ing water is proven to have a fluoride content below the United States
- 5 department of health and human services' recommended concentration;
- 6 (b) Agents for active immunization when prescribed for susceptible
- 7 persons six (6) years of age or older for the protection from communica-
- 8 ble disease;
- 9 (c) Opioid antagonists pursuant to section 54-1733B, Idaho Code;
- 10 (d) Epinephrine auto-injectors pursuant to sections 54-1733C and
- 11 54-1733D, Idaho Code;
- 12 (e) Drugs, drug categories or devices that are specifically autho-
- 13 rized in rules adopted by the board. Such drugs and devices shall be
- 14 prescribed in accordance with the product's federal food and drug ad-
- 15 ministration-approved labeling. Drugs, drug categories or devices
- 16 authorized by the board under this section shall be limited to condi-
- 17 tions that:
- 18 (i) Do not require a new diagnosis;
- 19 (ii) Are minor and generally self-limiting;
- 20 (iii) Have a test that is used to guide diagnosis or clinical deci-
- 21 sion-making and are waived under the federal clinical laboratory
- 22 improvement amendments of 1988; or
- 23 (iv) In the professional judgment of the pharmacist, threaten
- 24 the health or safety of the patient should the prescription not be
- 25 immediately dispensed. In such cases, only sufficient quantity
- 26 may be provided until the patient is able to be seen by another
- 27 provider.
- 28 The board shall not adopt any rules authorizing a pharmacist to pre-
- 29 scribe a controlled drug, compounded drug or biological product;
- 30 (ef) Tobacco cessation products pursuant to section 54-1733E, Idaho
- 31 Code; and
- 32 (eg) Tuberculin purified protein derivative products pursuant to sec-
- 33 tion 54-1733EF, Idaho Code.

34 SECTION 19. That Section 54-1733E, Idaho Code, as enacted by Section

35 2, Chapter 23, Laws of 2017, be, and the same is hereby amended to read as

36 follows:

37 54-1733EF. TUBERCULIN PURIFIED PROTEIN DERIVATIVE PRODUCTS --

38 SCREENING. Notwithstanding any other provision of law, a pharmacist acting

39 in good faith and exercising reasonable care may prescribe and administer

40 a tuberculin purified protein derivative product approved by the federal

41 food and drug administration to a patient for the purpose of screening for

42 tuberculosis infection, provided the following conditions are met:

43 (1) Prior to prescribing and administering a tuberculin purified pro-

44 tein derivative product, the pharmacist must successfully complete a course

45 on proper test administration and interpretation of results from the United

46 States centers for disease control and prevention (CDC) or a comparable

47 course from a provider accredited by the accreditation council for pharmacy

48 education;

1 (2) The pharmacist shall follow the recommendations for Mantoux tuber-  
2 culin skin testing from the CDC regarding test administration and interpre-  
3 tation of results;

4 (3) Documentation of test results shall be maintained in the records of  
5 the pharmacy and a copy of the results shall be made available to the patient  
6 upon request; and

7 (4) If the patient is found to have a positive test reading:

8 (a) The pharmacist shall coordinate a timely referral to the patient's  
9 primary care provider, if applicable, or to a local clinic to coordinate  
10 further diagnostics and follow-up care; and

11 (b) A report shall be submitted to the patient's local health district  
12 or to the Idaho department of health and welfare in accordance with the  
13 rules governing Idaho reportable diseases.

14 SECTION 20. That Section 67-1412, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 67-1412. DEFINITIONS. As used in sections 67-1412 through 67-1416,  
17 Idaho Code, the following definitions apply:

18 (1) "Attorney general" means the Idaho office of the attorney general.

19 (2) "Core components" means those elements of a 24/7 program that anal-  
20 ysis demonstrates are most likely to account for positive program outcomes.

21 (3) "Immediate sanction" means sanctions that are applied within min-  
22 utes of a noncompliant test event.

23 (4) "Jurisdiction" means the county or municipality that chooses to  
24 participate in a 24/7 program.

25 (5) "Law enforcement agency" means the county sheriff's office or an-  
26 other law enforcement agency designated by the county sheriff's office that  
27 is charged with enforcement of a 24/7 program.

28 (6) "24/7 sobriety and drug monitoring program" or "24/7 program" means  
29 the 24/7 sobriety and drug monitoring program established in section ~~67-2920~~  
30 67-1413, Idaho Code, that authorizes a court or agency as a condition of  
31 bond, sentence, probation, parole or work permit to:

32 (a) Require an individual to abstain from alcohol or dangerous drugs  
33 for a period of time when that individual has been charged, pleads  
34 guilty, found guilty, convicted or received a withheld judgment for a  
35 crime in which the abuse of alcohol or dangerous drugs was a contribut-  
36 ing factor in the commission of the crime including, but not limited to,  
37 driving under the influence of alcohol or dangerous drugs; and

38 (b) Require the individual to be subject to testing for alcohol and/or  
39 dangerous drugs:

40 (i) At least twice a day at a central location where immediate  
41 sanctions can be applied;

42 (ii) Where twice a day testing is impractical, by continuous  
43 transdermal alcohol monitoring by means of an electronic monitor-  
44 ing device where timely sanctions can be applied; or

45 (iii) By an alternate method with concurrence of the attorney gen-  
46 eral and consistent with section 67-1413, Idaho Code.

47 (7) "Testing" means a procedure for determining the presence and level  
48 of alcohol or a dangerous drug, as enumerated in chapter 80, title 18, Idaho  
49 Code, or as provided as a condition of probation, withheld judgment or pa-

1 role, in an individual's body fluid including blood, breath, urine, saliva  
2 or perspiration and includes any combination of the use of breath testing,  
3 drug patch testing, urinalysis testing, saliva testing or continuous or  
4 transdermal alcohol monitoring. With the concurrence of the attorney gen-  
5 eral and consistent with section 67-1413, Idaho Code, alternate body fluids  
6 can be approved for use.

7 (8) "Timely sanction" means a sanction that is applied within a period  
8 of time that can be hours or days after the noncompliant test event, but the  
9 period of time should be as short as possible and not extend beyond fourteen  
10 (14) days.

11 SECTION 21. That Section 67-4129B, Idaho Code, be, and the same is  
12 hereby amended to read as follows:

13 67-4129B. IDAHO HISTORIC PRESERVATION AND CULTURAL ENHANCEMENT  
14 FUND. (1) There is hereby created in the state treasury the Idaho historic  
15 preservation and cultural enhancement fund. Moneys in the fund shall con-  
16 sist of ~~funds received pursuant to section 49-416D, Idaho Code,~~ grants,  
17 federal moneys, donations or funds from any other source.

18 (2) Moneys in the fund may be expended pursuant to appropriation to the  
19 state historical society and the fund balance may be appropriated annually  
20 to the state historical society. The state treasurer shall invest all idle  
21 moneys in the fund. Any interest earned on the investment of idle moneys  
22 shall be returned to the fund.

23 (3) Moneys in the fund shall be used exclusively for the purposes of  
24 protection and preservation of the state's cultural resources, historic  
25 buildings, structures, artifacts, and records; for enhancement of statewide  
26 cultural and historic education opportunities; and for historical research  
27 purposes.

28 SECTION 22. That Section 67-6621, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 67-6621. DUTIES OF LOBBYISTS. A person required to register as a lob-  
31 byist under this act shall also have the following obligations, the viola-  
32 tion of which shall constitute cause for revocation of his registration, and  
33 may subject such person, and such person's employer, if such employer aids,  
34 abets, ratifies or confirms any such act, to other civil liabilities, as pro-  
35 vided by this act:

36 (1) Such persons shall obtain and preserve all accounts, bills,  
37 receipts, books, papers, and documents necessary to substantiate the finan-  
38 cial reports required to be made under this act for a period of at least three

39 (3) years from the date of the filing of the statement containing such items,  
40 which accounts, bills, receipts, books, papers and documents shall be made  
41 available for inspection by the secretary of state at any reasonable time  
42 during such three (3) year period; provided, however, that if a lobbyist is  
43 required under the terms of his employment contract to turn any records over  
44 to his employer, responsibility for the preservation of such records under  
45 this subsection shall rest with such employer.

46 (2) In addition, a person required to register as a lobbyist shall not:

47 (a) Engage in any activity as a lobbyist before registering as such;



1 (b) Knowingly deceive or attempt to deceive any legislator to any fact  
2 pertaining to any pending or proposed legislation;

3 (c) Cause or influence the introduction of any bill or amendment  
4 thereto for the purpose of thereafter being employed to secure its de-  
5 feat;

6 (d) Knowingly represent an interest adverse to any of his employers  
7 without first obtaining such employers' consent thereto after full dis-  
8 closure to such employers of such adverse interest;

9 (e) Exercise any economic reprisal, extortion, or unlawful retalia-  
10 tion upon any legislator by reason of such legislator's position with  
11 respect to, or his vote upon, any pending or proposed legislation;

12 (f) Accept any employment as a lobbyist for a compensation dependent  
13 in any manner upon the passage or defeat of any proposed or pending leg-  
14 islation or upon any other contingency connected with the action of the  
15 legislature or of either branch thereof or of any committee thereof.  
16 This contingent fee prohibition shall also apply to lobbying activities  
17 that pertain to communications with executive officials as described in  
18 section 67-6602 (7g), Idaho Code.

19 SECTION 23. That Section 72-1347B, Idaho Code, be, and the same is  
20 hereby amended to read as follows:

21 72-1347B. WORKFORCE DEVELOPMENT TRAINING FUND. (1) There is estab-  
22 lished in the state treasury a special trust fund, separate and apart from  
23 all other public funds of this state, to be known as the workforce develop-  
24 ment training fund, hereinafter "training fund." Except as provided herein,  
25 all proceeds from the training tax ~~defined~~ described in subsection (7) of  
26 this section shall be paid into the training fund. The state treasurer  
27 shall be the custodian of the training fund and shall invest said moneys in  
28 accordance with law. Any interest earned on the moneys in the training fund  
29 shall be deposited in the training fund. Moneys in the training fund shall be  
30 disbursed in accordance with the directions of the director. ~~fully executed~~

31 (2) All moneys in the training fund are appropriated to the department  
32 of labor for expenditure in accordance with the provisions of this section.  
33 The purpose of the training fund is to provide or expand training and re-  
34 training opportunities in an expeditious manner that would not otherwise ex-  
35 ist for Idaho's workforce. The training fund is intended to supplement, but  
36 not to supplant or compete with, money available through existing training  
37 programs. The moneys in the training fund shall be used for the following  
38 purposes:

39 (a) To provide training and retraining for skills necessary for spe-  
40 cific economic opportunities and industrial expansion initiatives;

41 (b) To provide innovative training solutions to meet industry-specific  
42 workforce needs or local workforce challenges;

43 (c) For refunds of training taxes erroneously collected and deposited  
44 in the workforce training fund; and

45 (d) For all administrative expenses incurred by the department associ-  
46 ated with the collection of the training tax and any other administra-  
47 tive expenses associated with the training fund.

48 (3) Expenditures from the training fund for purposes authorized in  
49 paragraphs (a) and (b) of subsection (2) of this section shall be approved by

1 the director and the director of the department of commerce, in consultation  
2 with the office of the governor, based on procedures, criteria and perfor-  
3 mance measures established by the council appointed pursuant to section  
4 72-1336, Idaho Code.

5 (4) Expenditures from the training fund for purposes authorized in  
6 paragraphs (c) and (d) of subsection (2) of this section shall be approved by  
7 the director. The director shall pay all approved expenditures as long as  
8 the training fund has a positive balance.

9 (5) The activities funded by the training fund will be coordinated with  
10 similar activities funded by the state division of career technical educa-  
11 tion.

12 (6) The council shall report annually to the governor and the joint fi-  
13 nance-appropriations committee the commitments and expenditures made from  
14 the training fund in the preceding fiscal year and the results of the activi-  
15 ties funded by the training fund.

16 (7) A training tax is hereby imposed on all covered employers required  
17 to pay contributions pursuant to section 72-1350, Idaho Code, with the ex-  
18 ception of deficit employers who have been assigned a taxable wage rate from  
19 rate class ~~six~~ 6 pursuant to section 72-1350, Idaho Code. The training tax  
20 rate shall be equal to three percent (3%) of the taxable wage rate then in ef-  
21 fect for each eligible, standard-rated and deficit employer. The training  
22 tax shall be due and payable at the same time and in the same manner as con-  
23 tributions. This subsection is repealed effective January 1, 2022, unless,  
24 prior to that date, the Idaho legislature approves the continuation of this  
25 subsection by repeal of this sunset clause.

26 (8) The provisions of this chapter ~~which~~ that apply to the payment and  
27 collection of contributions also apply to the payment and collection of  
28 the training tax, including the same calculations, assessments, method of  
29 payment, penalties, interest, costs, liens, injunctive relief, collection  
30 procedures and refund procedures. In the administration of the provisions  
31 of this section, the director is granted all rights, authority, and pre-  
32 rogatives granted under the provisions of this chapter. Moneys collected  
33 from an employer delinquent in paying contributions, reserve taxes and the  
34 training tax shall first be applied to any penalty and interest imposed pur-  
35 suant to the provisions of this chapter and shall then be applied pro rata to  
36 delinquent contributions to the employment security fund, section 72-1346,  
37 Idaho Code, delinquent reserve taxes to the reserve fund, section 72-1347A,  
38 Idaho Code, and delinquent training taxes to the training fund. Any interest  
39 and penalties collected pursuant to this subsection shall be paid into the  
40 state employment security administrative and reimbursement fund, section  
41 72-1348, Idaho Code, and any interest or penalties refunded under this sub-  
42 section shall be paid out of that same fund. Training taxes paid pursuant  
43 to this section shall not be credited to the employer's experience rating  
44 account and may not be deducted by any employer from the wages of individuals  
45 in its employ. All training taxes shall be deposited in the clearing account  
46 of the employment security fund, section 72-1346, Idaho Code, for clearance  
47 only and shall not become part of such fund. After clearance, the moneys  
48 shall be deposited in the training fund established in subsection (1) of this  
49 section.

1 (9) Administrative costs related to the training fund shall be paid  
2 from the training fund in accordance with subsection (4) of this section.

3 SECTION 24. That Section 74-107, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 74-107. RECORDS EXEMPT FROM DISCLOSURE -- TRADE SECRETS, PRODUCTION  
6 RECORDS, APPRAISALS, BIDS, PROPRIETARY INFORMATION. The following records  
7 are exempt from disclosure:

8 (1) Trade secrets including those contained in response to public  
9 agency or independent public body corporate and politic requests for pro-  
10 posal, requests for clarification, requests for information and similar  
11 requests. "Trade secrets" as used in this section means information, in-  
12 cluding a formula, pattern, compilation, program, computer program, device,  
13 method, technique, process, or unpublished or in-progress research that:

14 (a) Derives independent economic value, actual or potential, from not  
15 being generally known to, and not being readily ascertainable by proper  
16 means by other persons who can obtain economic value from its disclosure  
17 or use; and

18 (b) Is the subject of efforts that are reasonable under the circum-  
19 stances to maintain its secrecy.

20 (2) Production records, housing production, rental and financing  
21 records, sale or purchase records, catch records, mortgage portfolio loan  
22 documents, or similar business records of a private concern or enterprise  
23 required by law to be submitted to or inspected by a public agency or sub-  
24 mitted to or otherwise obtained by an independent public body corporate and  
25 politic. Nothing in this subsection shall limit the use which can be made  
26 of such information for regulatory purposes or its admissibility in any en-  
27 forcement proceeding.

28 (3) Records relating to the appraisal of real property, timber or min-  
29 eral rights prior to its acquisition, sale or lease by a public agency or in-  
30 dependent public body corporate and politic.

31 (4) Any estimate prepared by a public agency or independent public body  
32 corporate and politic that details the cost of a public project until such  
33 time as disclosed or bids are opened, or upon award of the contract for con-  
34 struction of the public project.

35 (5) Examination, operating or condition reports and all documents re-  
36 lating thereto, prepared by or supplied to any public agency or independent  
37 public body corporate and politic responsible for the regulation or supervi-  
38 sion of financial institutions including, but not limited to, banks, savings  
39 and loan associations, regulated lenders, business and industrial develop-  
40 ment corporations, credit unions, and insurance companies, or for the regu-  
41 lation or supervision of the issuance of securities.

42 (6) Records gathered by a local agency or the Idaho department of com-  
43 merce, as described in chapter 47, title 67, Idaho Code, for the specific  
44 purpose of assisting a person to locate, maintain, invest in, or expand busi-  
45 ness operations in the state of Idaho.

46 (7) Shipping and marketing records of commodity commissions used to  
47 evaluate marketing and advertising strategies and the names and addresses of  
48 growers and shippers maintained by commodity commissions.

1 (8) Financial statements and business information and reports submit-  
2 ted by a legal entity to a port district organized under title 70, Idaho Code,  
3 in connection with a business agreement, or with a development proposal or  
4 with a financing application for any industrial, manufacturing, or other  
5 business activity within a port district.

6 (9) Names and addresses of seed companies, seed crop growers, seed crop  
7 consignees, locations of seed crop fields, variety name and acreage by vari-  
8 ety. Upon the request of the owner of the proprietary variety, this infor-  
9 mation shall be released to the owner. Provided however, that if a seed crop  
10 has been identified as diseased or has been otherwise identified by the Idaho  
11 department of agriculture, other state departments of agriculture, or the  
12 United States department of agriculture to represent a threat to that par-  
13 ticular seed or commercial crop industry or to individual growers, infor-  
14 mation as to test results, location, acreage involved and disease symptoms  
15 of that particular seed crop, for that growing season, shall be available  
16 for public inspection and copying. This exemption shall not supersede the  
17 provisions of section 22-436, Idaho Code, nor shall this exemption apply to  
18 information regarding specific property locations subject to an open burn-  
19 ing of crop residue pursuant to section 39-114, Idaho Code, names of persons  
20 responsible for the open burn, acreage and crop type to be burned, and time  
21 frames for burning.

22 (10) Information obtained from books, records and accounts required in  
23 chapter 47, title 22, Idaho Code, to be maintained by the Idaho oilseed com-  
24 mission and pertaining to the individual production records of oilseed grow-  
25 ers.

26 (11) Records of any risk retention or self-insurance program prepared  
27 in anticipation of litigation or for analysis of or settlement of potential  
28 or actual money damage claims against a public entity and its employees or  
29 against the industrial special indemnity fund except as otherwise discov-  
30 erable under the Idaho or federal rules of civil procedure. These records  
31 shall include, but are not limited to, claims evaluations, investigatory  
32 records, computerized reports of losses, case reserves, internal documents  
33 and correspondence relating thereto. At the time any claim is concluded,  
34 only statistical data and actual amounts paid in settlement shall be deemed  
35 a public record unless otherwise ordered to be sealed by a court of competent  
36 jurisdiction. Provided however, nothing in this subsection is intended to  
37 limit the attorney-client privilege or attorney work product privilege oth-  
38 erwise available to any public agency or independent public body corporate  
39 and politic.

40 (12) Records of laboratory test results provided by or retained by the  
41 Idaho food quality assurance laboratory. Nothing in this subsection shall  
42 limit the use which can be made, or availability of such information if used,  
43 for regulatory purposes or its admissibility in any enforcement proceeding.

44 (13) Reports required to be filed under chapter 13, title 62, Idaho  
45 Code, identifying electrical or natural or manufactured gas consumption  
46 data for an individual customer or account.

47 (14) Voluntarily prepared environmental audits, and voluntary disclo-  
48 sures of information submitted on or before December 31, 1997, to an environ-  
49 mental agency, which are claimed to be confidential business information.

1 (15) Computer programs developed or purchased by or for any public  
2 agency or independent public body corporate and politic for its own use. As  
3 used in this subsection, "computer program" means a series of instructions  
4 or statements which permit the functioning of a computer system in a manner  
5 designed to provide storage, retrieval and manipulation of data from the  
6 computer system, and any associated documentation and source material that  
7 explain how to operate the computer program. Computer program does not in-  
8 clude:

9 (a) The original data including, but not limited to, numbers, text,  
10 voice, graphics and images;

11 (b) Analysis, compilation and other manipulated forms of the original  
12 data produced by use of the program; or

13 (c) The mathematical or statistical formulas that would be used if the  
14 manipulated forms of the original data were to be produced manually.

15 (16) Active investigative records and trademark usage audits of the  
16 Idaho potato commission specifically relating to the enforcement of chapter  
17 12, title 22, Idaho Code, until the commencement of formal proceedings as  
18 provided by rules of the commission; purchase and sales information sub-  
19 mitted to the Idaho potato commission during a trademark usage audit, and  
20 investigation or enforcement proceedings. Inactive investigatory records  
21 shall be disclosed unless the disclosure would violate the standards set  
22 forth in subsection (1) (a) through (f) of section 74-124, Idaho Code. Noth-  
23 ing in this subsection shall limit the use which can be made, or availability  
24 of such information if used, for regulatory purposes or its admissibility in  
25 any enforcement proceeding.

26 (17) All records copied or obtained by the director of the department of  
27 agriculture or his designee as a result of an inspection pursuant to section  
28 25-3806, Idaho Code, except:

29 (a) Records otherwise deemed to be public records not exempt from dis-  
30 closure pursuant to this chapter; and

31 (b) Inspection reports, determinations of compliance or noncompliance  
32 and all other records created by the director or his designee pursuant  
33 to section 25-3806, Idaho Code.

34 (18) All data and information collected by the division of animal indus-  
35 tries or the state brand board pursuant to the provisions of section 25-207B,  
36 Idaho Code, or rules promulgated thereunder.

37 (19) Records disclosed to a county official by the state tax commission  
38 pursuant to subsection (4) (c) of section 63-3029B, Idaho Code.

39 (20) Records, data, information and materials collected, developed,  
40 generated, ascertained or discovered during the course of academic research  
41 at public institutions of higher education if the disclosure of such could  
42 reasonably affect the conduct or outcome of the research, or the ability of  
43 the public institution of higher education to patent or copyright the re-  
44 search or protect intellectual property.

45 (21) Records, data, information and materials collected or utilized  
46 during the course of academic research at public institutions of higher ed-  
47 ucation provided by any person or entity other than the public institution  
48 of higher education or a public agency.

49 (22) The exemptions from disclosure provided in subsections (20) and  
50 (21) of this section shall apply only until the academic research is pub-

1 licly released, copyrighted or patented, or until the academic research  
 2 is completed or terminated. At such time, the records, data, information,  
 3 and materials shall be subject to public disclosure unless: (a) another  
 4 exemption in this chapter applies; (b) such information was provided to the  
 5 institution subject to a written agreement of confidentiality; or (c) public  
 6 disclosure would pose a danger to persons or property.

7 (23) The exemptions from disclosure provided in subsections (20) and  
 8 (21) of this section do not include basic information about a particular  
 9 research project that is otherwise subject to public disclosure, such as the  
 10 nature of the academic research, the name of the researcher, and the amount  
 11 and source of the funding provided for the project.

12 (24) Records of a county assessor, the state tax commission, a county  
 13 board of equalization or the state board of tax appeals containing the fol-  
 14 lowing information: (i) lists of personal property required to be filed pur-  
 15 suant to section 63-302, Idaho Code, and operating statements required to be  
 16 filed pursuant to section 63-404, Idaho Code; and (ii) confidential com-  
 17 mercial or financial information including trade secrets. Except with re-  
 18 spect to lists of personal property required to be filed pursuant to section  
 19 63-302, Idaho Code, and the operator statements required to be filed pur-  
 20 suant to section 63-404, Idaho Code, it shall be the responsibility of the  
 21 taxpayer to give notice of its claim to exemption by stamping or marking each  
 22 page or the first page of each portion of documents so claimed. No records  
 23 that are exempt pursuant to this subsection shall be disclosed without the  
 24 consent of the taxpayer except as follows:

25 (a) To any officer, employee or authorized representative of the state  
 26 or the United States, under a continuing claim of confidentiality, as  
 27 necessary to carry out the provisions of state or federal law or when  
 28 relevant to any proceeding thereunder.

29 (b) In the publication of statistics or reports as long as the statis-  
 30 tics or reports do not reasonably lead to the identification of the spe-  
 31 cific taxpayer or information submitted by taxpayers exempt pursuant to  
 32 this subsection.

33 (c) To the board of tax appeals or the district court as evidence or  
 34 otherwise in connection with an appeal of the taxpayer's property tax  
 35 assessment, but only if the board or the court, as applicable, has en-  
 36 tered a protective order specifying that the taxpayer information may  
 37 not be disclosed by any person conducting or participating in the action  
 38 or proceeding, except as authorized by the board or the court in accor-  
 39 dance with applicable law.

40 (d) Nothing in this subsection shall prevent disclosure of the follow-  
 41 ing information:

- 42 (i) Name and mailing address of the property owner;
- 43 (ii) A parcel number;
- 44 (iii) A legal description of real property;
- 45 (iv) The square footage and acreage of real property;
- 46 (v) The assessed value of taxable property;
- 47 (vi) The tax district and the tax rate; and
- 48 (vii) The total property tax assessed.

49 (25) Results of laboratory tests which have no known adverse impacts to  
 50 human health conducted by the Idaho state department of agriculture animal

1 health laboratory, related to diagnosis of animal diseases of individual an-  
 2 imals or herds, on samples submitted by veterinarians or animal owners un-  
 3 less:

4 (a) The laboratory test results indicate the presence of a state or fed-  
 5 erally reportable or regulated disease in animals;

6 (b) The release of the test results is required by state or federal law;  
 7 or

8 (c) The test result is identified as representing a threat to animal or  
 9 human health or to the livestock industry by the Idaho state department  
 10 of agriculture or the United States department of agriculture. Nothing  
 11 in this subsection shall limit the use which can be made, or availabil-  
 12 ity of such information if used, for regulatory purposes or its admis-  
 13 sibility in any enforcement proceeding, or the duty of any person to re-  
 14 port contagious or infectious diseases as required by state or federal  
 15 law.

16 (26) Results of laboratory tests conducted by the Idaho state depart-  
 17 ment of agriculture seed laboratory on samples submitted by seed producers  
 18 or seed companies. Nothing in this subsection shall limit the use which can  
 19 be made, or availability of such information pursuant to the provisions of  
 20 subsections (9) and (10) of section 22-418, Idaho Code.

21 (27) For policies that are owned by private persons, and not by a public  
 22 agency of the state of Idaho, records of policies, endorsements, affidavits  
 23 and any records that discuss policies, endorsements and affidavits that may  
 24 be required to be filed with or by a surplus line association pursuant to  
 25 chapter 12, title 41, Idaho Code.

26 (28) Individual financial statements of a postsecondary educational  
 27 institution or a proprietary school submitted to the state board of educa-  
 28 tion, its director or a representative thereof, for the purpose of regis-  
 29 tering the postsecondary educational institution or proprietary school pur-  
 30 suant to section 33-2402 or 33-2403, Idaho Code, or provided pursuant to an  
 31 administrative rule of the board adopted pursuant to such sections.

32 (29) Information submitted by insurance companies pursuant to section  
 33 41-612(17), Idaho Code.

34 (30) Documents, materials or other information submitted to the direc-  
 35 tor of the department of insurance as provided in chapter 64, title 41, Idaho  
 36 Code.

37 (30~~1~~) Reports, information and other materials exempted by chapter 63,  
 38 title 41, Idaho Code.

39 SECTION 25. That Section 74-206, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 74-206. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) An executive ses-  
 42 sion at which members of the public are excluded may be held, but only for the  
 43 purposes and only in the manner set forth in this section. The motion to go  
 44 into executive session shall identify the specific subsections of this sec-  
 45 tion that authorize the executive session. There shall be a roll call vote on  
 46 the motion and the vote shall be recorded in the minutes. An executive ses-  
 47 sion shall be authorized by a two-thirds (2/3) vote of the governing body. An  
 48 executive session may be held:

1 (a) To consider hiring a public officer, employee, staff member or in-  
2 dividual agent, wherein the respective qualities of individuals are to  
3 be evaluated in order to fill a particular vacancy or need. This para-  
4 graph does not apply to filling a vacancy in an elective office or delib-  
5 erations about staffing needs in general;

6 (b) To consider the evaluation, dismissal or disciplining of, or to  
7 hear complaints or charges brought against, a public officer, employee,  
8 staff member or individual agent, or public school student;

9 (c) To acquire an interest in real property which is not owned by a pub-  
10 lic agency;

11 (d) To consider records that are exempt from disclosure as provided in  
12 chapter 1, title 74, Idaho Code;

13 (e) To consider preliminary negotiations involving matters of trade or  
14 commerce in which the governing body is in competition with governing  
15 bodies in other states or nations;

16 (f) To communicate with legal counsel for the public agency to discuss  
17 the legal ramifications of and legal options for pending litigation, or  
18 controversies not yet being litigated but imminently likely to be liti-  
19 gated. The mere presence of legal counsel at an executive session does  
20 not satisfy this requirement;

21 (g) By the commission of pardons and parole, as provided by law;

22 (h) By the custody review board of the Idaho department of juvenile cor-  
23 rections, as provided by law;

24 (i) To engage in communications with a representative of the public  
25 agency's risk manager or insurance provider to discuss the adjustment  
26 of a pending claim or prevention of a claim imminently likely to be  
27 filed. The mere presence of a representative of the public agency's  
28 risk manager or insurance provider at an executive session does not sat-  
29 isfy this requirement; or

30 (j) To consider labor contract matters authorized under section  
31 ~~67-2345A~~ 74-206A (1) (a) and (b), Idaho Code.

32 (2) The exceptions to the general policy in favor of open meetings  
33 stated in this section shall be narrowly construed. It shall be a violation  
34 of this act to change the subject within the executive session to one not  
35 identified within the motion to enter the executive session or to any topic  
36 for which an executive session is not provided.

37 (3) No executive session may be held for the purpose of taking any final  
38 action or making any final decision.

39 SECTION 26. The provisions of Section 5 of this act shall be in full  
40 force and effect on and after July 1, 2020.